

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR FISCAL
YEAR 2005**

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[The following testimonies were received by the Subcommittee on Commerce, Justice, and State, the Judiciary, and Related Agencies for inclusion in the record. The submitted materials relate to the fiscal year 2005 budget request for programs within the subcommittee's jurisdiction.]

PREPARED STATEMENT OF THE AMERICAN MUSEUM OF NATURAL HISTORY

ABOUT THE AMERICAN MUSEUM OF NATURAL HISTORY

The American Museum of Natural History [AMNH] is one of the nation's pre-eminent institutions for scientific research and public education. Since its founding in 1869, the Museum has pursued its mission to "discover, interpret, and disseminate—through scientific research and education—knowledge about human cultures, the natural world, and the universe." It is renowned for its exhibitions and collections of more than 32 million natural specimens and cultural artifacts. With nearly four million annual visitors, its audience is one of the largest, fastest growing, and most diverse of any museum in the country. Museum scientists conduct groundbreaking research in fields ranging from zoology, comparative genomics, and informatics to earth, space, and environmental sciences and biodiversity conservation. Their work forms the basis for all the Museum's activities that seek to explain complex issues and help people to understand the events and processes that created and continue to shape the Earth, life and civilization on this planet, and the universe beyond.

More than 200 Museum scientists, led by 46 curators, conduct laboratory and collections-based research programs as well as fieldwork and training. The Museum's research programs are organized under five divisions (Anthropology; Earth, Planetary, and Space Sciences; Invertebrate Zoology; Paleontology; and Vertebrate Zoology), along with the Center for Biodiversity and Conservation (CBC). The Museum also conducts graduate training programs, supports doctoral and postdoctoral scientists with research fellowships, and offers talented undergraduates an opportunity to work with Museum scientists.

The Museum's Center for Biodiversity and Conservation, founded in 1993, is dedicated to enhancing the use of scientific data to mitigate threats to global biodiversity, and integrating this information into the conservation process and to disseminate it widely. It conducts conservation-related field projects around the world, trains scientists, organizes scientific symposia, presents public programs, and produces publications geared toward scientists, policy makers, and the lay public. Each spring, the CBC hosts symposia that focus on conservation issues. In 2002, the symposium, "Sustaining Seascapes: the Science and Policy of Marine Resource Management," was co-sponsored by NOAA's Marine Protected Areas Center, along with other federal and private organizations, and examined the large-scale conservation of marine ecosystems, giving special consideration to novel approaches to the sus-

tainable management of biodiversity and fisheries. The focus of 2003's symposium was on conservation issues related to increased ecotourism in Southeast Asia, and 2004's symposium examines the role of invertebrates in environmental systems.

The Museum's vast collections provide the foundation for the Museum's inter-related research, education, and exhibition missions. They often include endangered and extinct species as well as many of the only known "type specimens"—examples of species by which all other finds are compared. Collections such as these are historical libraries of species and artifacts, providing an irreplaceable record of life on earth. They provide vital data for Museum scientists as well for more than 250 national and international visiting scientists each year.

The Museum's renovated Hall of Ocean Life, reopened in Spring 2003, is a major focal point for public education on marine science issues. Drawing on the Museum's world-renowned expertise in Ichthyology as well as other areas of vertebrate as well as invertebrate zoology, the Hall is pivotal in educating visitors about the oceans' key role in sustaining life on our planet. The renovated Hall of Ocean Life, together with the new Halls of Biodiversity, Planet Earth, and the Universe and the rebuilt Hayden Planetarium (part of the new Rose Center for Earth and Space) provide visitors a seamless educational journey from the universe's beginnings to the formation and processes of Earth to the extraordinary diversity of life on our planet.

In its Halls of Biodiversity, Planet Earth, and the Universe, the Museum presents current science news through Science Bulletins—multimedia productions that bring the latest science news and discoveries to the public using high-definition video documentaries, kiosks, and the web. The Bulletins present features on such issues as marine biodiversity, ocean life discoveries, and more. In addition, the Museum's comprehensive education programs attract more than 400,000 students and teachers and more than 5,000 teachers for professional development opportunities. The Museum also takes its resources beyond its walls with Moveable Museums, an after-school program, online resources, and through the National Center for Science Literacy, Education, and Technology, launched in 1997 in partnership with NASA.

COMMON GOALS OF NOAA AND THE AMERICAN MUSEUM

Today, as throughout its history, the National Oceanic and Atmospheric Administration [NOAA] is committed to managing and conserving the nation's living marine resources and their environments, forecasting environmental changes, providing decision makers with reliable scientific information, and fostering global environmental stewardship, especially of coastal and marine resources. The American Museum shares NOAA's commitment to these environmental goals and to the scientific research, technologies, and public education that support them. Indeed, informed environmental stewardship and preservation of our planet's biodiversity and resources—in marine, coastal, and other natural environments and habitats—are integral to the Museum's most fundamental purposes.

The Museum has also long been at the forefront of developing new research tools—including molecular technologies, new collection types, innovations in computation, and GIS and remote sensing—that are revolutionizing the way research can be conducted and data analyzed, as well as the way museum collections can be used. The Museum has significant resources in these areas, which it would bring to bear in continued partnership with NOAA. These include:

Remote Sensing and Geographical Information Systems Technologies.—The CBC launched the Remote Sensing/Geographical Information Systems (RS/GIS) lab in the fall of 1998. Wise conservation policy requires effective knowledge of the distribution of species and ecological communities at local, regional, and global scales. Without this information, it is difficult to decide where to allocate scarce conservation resources. Remote sensing technologies can provide essential data on such things as land-cover and land-use, as well as sea surface temperatures and chlorophyll content. GIS makes it possible for scientists to compare and visualize the relationships among satellite and legacy data, raw standardized samples, and data obtained through ground truthing. Because it provides the database backbone than can connect field work to analysis, GIS is becoming an indispensable component in environmental data analysis and is thus revolutionizing work in conservation.

The CBC uses its RS/GIS technologies in biodiversity and marine reserve research in various ways—for example, to identify sites suitable for biological inventory; to provide supplementary quantitative and qualitative data in and around study sites; and to develop visual depictions and digital presentations for reports, publications, and meetings. RS/GIS is also key for predictive modeling, which when coupled with groundtruthing significantly enhances understanding of aquatic habitats.

Molecular Research Program.—The Museum is also home to a distinguished molecular systematics program that is at the leading edge of comparative genomics and

the analysis of DNA sequences for biological research. In its laboratories, more than 40 researchers in molecular systematics, conservation genetics, and developmental biology conduct their research on a variety of terrestrial and aquatic study organisms. Their work is supported by the Museum's new frozen tissue collection of biological tissues and isolated DNA stored in a super-cold storage facility, which preserves genetic material and gene products from rare and endangered organisms that may become extinct before science fully exploits their potential. These researchers also have onsite access to a 700-processor supercomputing cluster—the fastest parallel computing cluster in an evolutionary biology laboratory and one of the fastest installed in a non-defense environment.

MARINE ENVIRONMENTS INITIATIVE

The explosion of research technologies has created an opportunity for the Museum to integrate these state-of-the-art analytical tools into its biological and environmental research, as well as to present results to the public in its exhibition halls, websites, and educational programs. This intersection of research capability and technological opportunity underlies the Museum's marine environments initiative. The Museum proposes to continue, in partnership with NOAA, this basic and applied research initiative in areas of shared concern, such as the following:

Biodiversity and Conservation Research.—AMNH investigators are exploring applications of GIS and remote sensing technologies to advance research pertinent to conservation and protecting threatened species and habitats. For example, Museum vertebrate and invertebrate zoologists carry out ambitious field work and collection expansion programs throughout the tropical freshwaters of the globe, conduct biotic surveys, and explore marine ecosystems. In addition to the discovery and classification of many still unknown species, Museum work concerns the protection and conservation of many species whose habitats and survival are at risk. These researchers rely on the capacities of GIS/RS to develop finer, tighter, more precise datasets. Also, GIS analysis enables researchers to ask more sophisticated and flexible questions, and to discover patterns, series, and gradations. Projects include the following:

—*Marine reserve networks.*—Analyzing the physical, biological, and cultural processes affecting coral reef systems in the Bahamas. GIS allows the researchers to integrate maps with sets of biophysical and socioeconomic data and to create dynamic models for testing hypotheses about marine reserve networks in a spatially realistic framework.

—*Humpback whales in Madagascar.*—Researchers from the American Museum and the Wildlife Conservation Society are using GIS to track the migrations of humpback whales in the western Indian Ocean region and create a database that contains identification photos, biopsies, DNA sequences, and sighting information for hundreds of whales.

—*Aquatic ecosystem research.*—Aquatic ecosystems research includes predictive modeling and riparian ecosystems research, and focuses on questions of restoration, management, and monitoring, drawing on resources of the Museum and facilities of the Southwestern Research Station.

—*Biotic surveys and inventories.*—The CBC has conducted floral and faunal surveys in Bolivia and Vietnam, providing data on the distribution and abundance of species, and enabling researchers to analyze the role of climate change on land cover and develop plans to reduce threats to biodiversity. Researchers are also experienced in training local field biologists and conservation managers how to conduct surveys using RS data and biophysical measures and how to apply results to the long-term conservation of biodiversity.

Collections data and access.—Museum researchers use GIS to bring the Museum's vast collections alive and to increase exponentially the analyses that researchers can carry out for conservation research and decision-making. By coupling GIS with the Museum's increasingly strong web presence, researchers worldwide are able to pose more sophisticated questions and uncover new connections and relationships among the collections data.

Public education and outreach.—The Museum features current NOAA-related science and discovery in the Hall of Ocean Life as well as in its other educational programs and resources. For example, the Museum is collaborating with partners such as the New York State Marine Education Association and the New York Sea Grant on an annual conference, scheduled for Summer 2004, to promote marine awareness and encourage the growth and exchange of instructional resources within the scientific, commercial, and educational communities.

These applications for GIS and other technologies demonstrate the Museum's unique capabilities to advance environmental forecasting, provide decision makers with reliable scientific information, and foster global environmental stewardship.

We therefore request \$1 million to continue in partnership with NOAA to build its marine environmental sciences initiative. Contributing its participatory share with funds from nonfederal as well as federal sources, the Museum will use cutting-edge technologies to advance basic and applied research, integrated with education and access efforts, related to marine environments. In so doing, we seek to increase scientific understanding and public awareness of vital environmental resource management issues.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES (NASULGC) AND THE UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH (UCAR)

On behalf of the 235 institutions that constitute the University Corporation for Atmospheric Research (UCAR) and the National Association of State Universities and Land-Grant Colleges (NASULGC), we thank the Subcommittee for your support of weather and climate research and education within the National Oceanic and Atmospheric Administration (NOAA). Under your leadership, Congress has taken important steps to recognize NOAA's contribution to our nation's quality of life, national security, public health, and economic well-being. However, UCAR and NASULGC have grave concerns that the fiscal year 2005 President's budget request places that progress in serious jeopardy by recommending significant reductions or eliminations of funding compared to the fiscal year 2004 appropriated amount.

The proposed reductions in funding for extramural research and education programs are very worrisome and seem in direct contradiction to the atmospheric science community's repeated request to establish a significant peer-reviewed NOAA extramural research fund to strengthen NOAA research by creating strong partnerships between the agency and the academic and private sectors. Enabling such collaborations among the country's best scientists is warranted given the statement contained in the fiscal year 2005 Budget Request that, "Weather- and climate-sensitive industries, directly or indirectly, account for approximately \$2.7 trillion of the Nation's gross domestic product." We urge the Subcommittee to return NOAA to its fiscal year 2004 appropriated level of \$3.689 billion at the very minimum.

Currently, NOAA is undergoing a congressionally mandated evaluation of its research enterprise. During this time of change and uncertainty, it is critical that Congress continue to support, and use any restructuring to enhance, NOAA's core research programs and competitive programs and partnerships with the academic community. These partnerships leverage research and research applications expertise, bring the best talent to bear in addressing high priority technology development requirements, and serve to train a new generation of scientists that NOAA and the rest of the scientific community will desperately need as present employees retire. As NOAA research activities are strengthened, we urge the Subcommittee to keep in mind the concept of the competitive, peer-reviewed Collaborations Fund, an external, peer-reviewed grants program to accelerate progress in the nation's weather research, for which the atmospheric sciences community has been advocating for several years.

We would like to offer the following specific NOAA program recommendations:

Office of Oceanic and Atmospheric Research (OAR)

Climate and Global Change Program.—The fiscal year 2005 budget request includes a reduction of \$9.15 million and 12 FTE for the Climate and Global Change program. We understand that this is a partial offset to fund climate increases for observation programs, but we question the choice of programs, all involving the external research and education communities, that will be diminished greatly or eliminated. Each of the targeted programs has much to do with the nation's basic climate research and the future of the atmospheric science in this country. They include NOAA's entire post doctoral program in climate science; NOAA's entire participation in the inter-agency funded, Presidential award-winning Significant Opportunities in Atmospheric Research and Science (SOARS) program for undergraduate students who are underrepresented in the atmospheric sciences; university climate research grants that enable this country to participate in international field programs, such as the Climate Variability and Predictability World Climate Program (CLIVAR), designed to improve our ability to observe, understand, predict, and respond to changes in the global environment; and the entire Human Dimensions of Global Change Research Program that funds competitively awarded social sciences re-

search grants to advance understanding of the human response to and planning for the effects of climate variability. NOAA is the only agency funding this applied social sciences research examining how social and economic systems are influenced by fluctuations in short-term climate (seasons to years), and how human behavior can be affected by variability in the climate system, and it is the only agency funding this country's participation in CLIVAR. We urge the Subcommittee to restore the fiscal year 2005 Climate and Global Change funding and personnel levels to the fiscal year 2004 enacted level of \$69.66 million and current FTE level.

Climate Observations and Services.—We urge the Subcommittee to support the requested amount of \$72.82 million, particularly the increases requested for the Global Ocean Observing System (increased by \$10.7 million over current program levels) and Carbon Cycle Atmospheric Observing System (increased by \$6.5 million over current program levels). The increases for these programs will build the climate observing system required to support the research, modeling, and decision support activities for the Administration's Climate Change Research Initiative. We ask that the Subcommittee urge NOAA to expand partnerships with academia in this area, as we understand that most of the research is slated to be conducted internally.

Educational Partnership Program for Minority-Serving Institutions (EPPMSI).—We urge the Subcommittee to support the fiscal year 2005 \$15.0 million request for EPPMSI, and to support the requested transfer of the program from Program Support to OAR. The under-representation of minorities in the earth science disciplines continues to be a glaring problem, and NOAA's outreach initiatives provide vital contributions toward correcting the imbalance. EPPMSI also has the full support of NASULGC's Office for the Advancement of Public Black Colleges.

National Weather Service (NWS)

The U.S. Weather Research Program (USWRP) is an interagency program that is dedicated to making forecasts of high-impact weather more specific, accurate, and reliable, thereby saving lives and property, and helping regional economies. It is a program that engages in basic research, the societal applications of that research, and to moving these applications into operations. It therefore straddles the missions of OAR (research and applications oriented) and NWS (operations oriented). Within the President's fiscal year 2005 request, USWRP is moved from OAR to NWS. Before this is accomplished, we ask that the Subcommittee take into consideration relevant recommendations of the NOAA Research Review Team, of a current internal USWRP study, of the OAR and NWS administration, and of congressional authorizers. We support any plan that is carefully considered and that strengthens NOAA's leadership role in this interagency program. We urge the Subcommittee to support the fiscal year 2005 request of \$4.25 million for USWRP.

THORPEX.—A Global Research Program is a component of the USWRP that has its own line in the fiscal year 2005 request. THORPEX is an interagency, international program the goal of which is to provide, for the benefit of society and the economy, 7–14 day forecasts that are as reliable and useful as are current 2–3 day forecasts. We urge the Subcommittee to support the fiscal year 2005 THORPEX request of \$2.3 million.

The Space Environment Center (SEC) is the national and world warning center for solar disturbances that can affect people and equipment working in the space environment as well as the communications network of the nation. We agree with the Administration's conclusions that the operational nature of SEC is a good fit with the NWS mission and that the Center should therefore be transferred from OAR. We urge the Subcommittee to support the \$7.5 million requested for the Space Environment Center, as well as the proposed SEC transfer to NWS from OAR.

The Cooperative Observer Network Modernization (COOP) will eventually provide the country with a network of accurate surface weather data that is critical to the maintenance of the country's climate record as well as to work of NWS local field offices and university research laboratories. We urge the Subcommittee to support the reinstatement and modernization of the Cooperative Observer Network by appropriating the requested fiscal year 2005 funding level of \$1.4 million.

The NOAA Profiler Network is zeroed out in the fiscal year 2005 request, terminating the nation's 35 stations that provide hourly wind profiles from the ground to 53,000 feet to operational weather forecasters and weather models. These data provide invaluable support in the forecasting of tornadoes, winter storms and flash floods. The Network saves lives and helps mitigate the destruction of property in severe weather. The fiscal year 2004 enacted funding for the Network was \$4.1 million, an amount that allowed continued operation of the stations while the NWS prepared a report, requested by Congress, analyzing the need for a profiler network and producing a plan for implementation of a modernized system. This report has not been completed. We strongly urge the Subcommittee to restore in fiscal year

2005 \$4.1 million plus inflation for the continued operation of the Profiler Network, and to urge the NWS to produce, as soon as possible, the detailed plan requested by Congress for the replacement of the current Network with a much-needed state-of-the-art system.

National Environmental Satellite, Data, and Information Service (NESDIS)

National Polar-orbiting Operational Environmental Satellite System (NPOESS).—We support the requested increase of \$30.9 million for NPOESS, and urge you to ensure that the necessary resources are provided to guarantee the system's capability to utilize, manage, store, and make available the data from this critical observing program. Resources are necessary also for education and training activities that are critical to encourage and enable the efficient and effective use of these data. This service is provided through the Cooperative Program for Operational Meteorology, Education and Training (COMET) program. We urge the Subcommittee to support the requested fiscal year 2005 amount of \$307.6 million for NPOESS.

Regional Climate Centers.—The President's budget terminates funding for these centers, which are located on university campuses and continue to provide detailed climate and related products essential to private sector economic activities specific to each of the regions. They are needed to address the expanding demand for climate services, currently growing at a rate of 25 percent per year. We urge the Subcommittee to restore funding for Regional Climate Centers to the fiscal year 2003 level of \$2.98 million.

Facilities

Boulder Facilities Operations.—Six OAR laboratories, one NESDIS Data Center, one OAR Joint Institute, and the Denver Forecast Office of the National Weather Service are all housed in Boulder at the David Skaggs Research Center. The rent for this important facility should definitely be paid out of facilities operating costs and not have to be taken from research funding as has been forced upon NOAA in past years. We urge the Subcommittee to support the \$4.56 million fiscal year 2005 request for Boulder Facilities Operations.

About UCAR

UCAR is a consortium of 68 universities that manages and operates the National Center for Atmospheric Research and additional atmospheric and related sciences programs. In addition to its member universities, UCAR has formal relationships with approximately 100 additional undergraduate and graduate schools including several historically black and minority-serving institutions, and 40 international universities and laboratories.

About NASULGC

NASULGC is the nation's oldest higher education association. Currently the association has 213 member institutions—including the historically black Land-Grant institutions—located in all fifty states. Its members constitute the major public research institutions in the nation. The Association's overriding mission is to support high quality public education through efforts that enhance the capacity of member institutions to perform their traditional teaching, research, and public service roles.

Conclusion

The academic community is cognizant of the serious budgetary constraints that face the Congress in the coming fiscal year. However, short-term savings achieved by cutting funding for extramural research and education programs will surely result in long-term degradation of NOAA's ability to meet its core mission requirements which are critical to the economic health, safety, and security of the nation. We thank you for your past support for atmospheric science and look forward to working with you to restore and stabilize the funding base for NOAA's extramural research and education programs.

PREPARED STATEMENT OF THE ASSOCIATION FOR ENTERPRISE OPPORTUNITY

Chairman Gregg, Ranking Member Hollings and other Members of the Subcommittee: On behalf of the Association for Enterprise Opportunity (AEO), thank you for the opportunity to submit comments to the Commerce-Justice-State Appropriations Subcommittee regarding the proposed termination of the Small Business Administration (SBA) Microloan Program and the Program for Investments in Microentrepreneurs (PRIME) in the President's fiscal year 2005 budget. My name is Bill Edwards, and I am Executive Director of AEO. AEO is the national trade and membership association for microenterprise development in the United States

with nearly 500 member organizations nationwide. The vast majority of AEO's membership consists of microenterprise practitioner agencies, including over half of all Microloan Intermediaries and PRIME grantees. AEO is requesting \$30 million in lending capital for the SBA Microloan Program, \$25 million for SBA Microloan Technical Assistance, and \$15 million for the SBA PRIME Program.

The Administration's proposed elimination of the SBA Microloan and PRIME Programs threatens to wipe out two essential federal funding sources for microenterprise development in the United States, effectively terminating the only available sources of business assistance for thousands of underserved entrepreneurs across the country.

AEO respectfully requests that this Subcommittee fund these crucial SBA programs at the following levels: \$30 million for Microloan Lending (requiring a \$2.8 million appropriation), \$25 million for Microloan Technical Assistance, \$15 million for PRIME, and \$14.5 million for Women's Business Centers.

The SBA Microloan Program

The SBA Microloan Program, the single largest source of funding for microenterprise development in the nation, was created in 1992 to help small business owners in need of small amounts of capital (less than \$35,000) that are not yet "bankable" in the private sector lending community. Since 1992, SBA Microloan Intermediaries have made nearly 19,000 Microloans totaling over \$213 million, primarily to women, minority, and low-income entrepreneurs. In fiscal year 2003, Intermediaries made 2,422 loans, totaling \$29,932,410.49, well exceeding the SBA's stated goal of \$28 million in new loans.

The Administration contends that banks will now lend to Microloan borrowers through 7(a) loan programs such as SBA Express, Community Express, and Lowdoc. This is not true. While banks may at times make business loans under \$35,000, these programs serve entirely different borrowers, using entirely different criteria. Microloan borrowers often have FICO credit scores as low as 550, past credit problems, little or no collateral, and a lack of business experience. Traditional banks will simply not lend to these borrowers, with or without a SBA guarantee. Also, it is important to note that 40 percent of SBA Microloans go to start-ups while 7(a) loan guarantees require that individuals already be in business anywhere from 1 to 3 years.

Despite lending to the riskiest borrowers, the Microloan Program has experienced a default rate of less than 1 percent. This accomplishment can be primarily attributed to the countless hours of intensive technical assistance that Intermediaries provide to Microloan borrowers. The technical assistance acts as a driver for business success and greatly improves the chances for successful business repayment.

Finally, the Administration claims that the Microloan Program costs taxpayers \$.97 per \$1.00 loaned, but fails to recognize that this cost is directly related to the high level of technical assistance that borrowers receive and, thus, to the success of the program itself. Without technical assistance, these borrowers would be ill-equipped to manage a business! AEO is awaiting the SBA's response to a question posed by the Senate Small Business Committee regarding the methods by which the \$.97 per \$1.00 loaned were calculated.

The SBA PRIME Program

PRIME is the only federal microenterprise program that provides intensive training and technical assistance to low- and very low-income entrepreneurs. For many entrepreneurs, lack of access to capital is only one of the barriers to starting or growing a successful small business. PRIME provides grants to microenterprise organizations throughout the country to offer this invaluable assistance. In addition, PRIME is unique in that at least 50 percent of all grant award dollars must be used to provide these services to very low-income individuals.

The Administration has proposed the elimination of the PRIME Program for the past four years. However, Congress has continued to fund PRIME each year and in doing so has recognized that by investing in very low-income entrepreneurs, the program succeeds in creating jobs and income in communities that need it most. PRIME is just that—an investment. PRIME clients create and retain jobs, move off of public assistance and pay increased taxes as their businesses and incomes grow.

The SBA Women's Business Center Program

The Women's Business Centers (WBC) of the Office of Women's Business Ownership provide training and technical assistance to women starting or expanding their businesses. In 2003 alone, Women's Business Centers across the country trained and counseled over 104,000 women in core business areas such as marketing, book-keeping and finance. The Centers serve an invaluable role in meeting the special needs of female entrepreneurs across the country.

America's 9.1 million women-owned businesses employ 27.5 million people and contribute \$3.6 trillion to the economy. However, women continue to face unique obstacles in the world of business and greatly need the specialized services that Women's Business Centers provide.

Again, we ask that the Subcommittee do what is truly best for small business in America and appropriate: \$30 million for Microloan Lending (requiring a \$2.8 million appropriation), \$25 million for Microloan Technical Assistance, \$15 million for PRIME, and \$14.5 million for Women's Business Centers.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES (NASULGC) AND THE CONSORTIUM FOR OCEANOGRAPHIC RESEARCH AND EDUCATION (CORE)

On behalf of the 256 institutional members of the Consortium for Oceanographic Research and Education and the National Association of State Universities and Land-Grant Colleges, thank you for your support of ocean sciences within the National Oceanic and Atmospheric Administration (NOAA). Under your leadership, Congress has taken important steps to recognize NOAA's contributions to our nation's quality of life, national security, public health, and economic well-being. However, CORE and NASULGC have serious concerns that the Administration budget request for fiscal year 2005 puts that progress in jeopardy by recommending significant cuts in funding for NOAA's extramural ocean research programs.

As you are aware, NOAA is the third largest source of federal funding for marine academic research, oversees the nation's coastal and ocean monitoring networks, and participates in several important climate research programs. In that capacity, NOAA provides support for scientists at many of our member institutions to conduct research that provides critical information to policy-makers. This external research offers important benefits to NOAA, leveraging limited resources to meet ever-expanding needs for scientific support of its missions.

University research funds are awarded through peer-reviewed, competitive processes, ensuring that tax dollars support the best science and that duplication is minimized. In addition to grants awarded by NOAA, the states and universities themselves support academic research through their contributions to scientists' salaries and research facilities. This reduces NOAA's personnel and infrastructure costs, and gives the agency greater flexibility to make rapid changes in order to address emerging issues and priorities.

NOAA-sponsored extramural research also is essential to support the training of the next generation of ocean scientists and engineers. Because the competitive review process ensures that funding is awarded to the highest-priority science, graduate students have the opportunity to work on cutting edge research. These students will provide the foundation upon which our nation's future ability to understand and manage marine issues is built. University partnerships will also be the best remedy for the large number of anticipated NOAA retirements in the coming years. Currently NOAA is undergoing a congressionally mandated evaluation of its research enterprise. During this time of change and uncertainty, it is critical that Congress continue to support, and use any restructuring to enhance NOAA's competitive research programs and partnerships with the academic community. These partnerships will allow NOAA to bring the best talent to bear in addressing high priority research and development requirements.

The academic community recognizes the serious budgetary constraints that Congress faces in the coming fiscal year. However, short term savings achieved by cutting funding for extramural research programs could seriously jeopardize NOAA's long term capacity to meet its core mission requirements.

We thank you for your past support for ocean science and look forward to working with you to restore and stabilize the funding base for NOAA's extramural programs. A list of recommended funding levels for specific programs is below.

Thank you for your consideration.

National Ocean Service

Competitive programs of the National Centers for Coastal Ocean Science (NCCOS).—The Administration's fiscal year 2005 budget request includes reductions of approximately \$10 million from the competitive research programs of the National Centers for Coastal Ocean Science. These programs support important peer-reviewed, multi-disciplinary research in three goal areas: coastal ecosystem studies, cumulative coastal impacts, and harmful algal blooms and hypoxia. The proposed cuts would have devastating impacts on ongoing research and threaten the

viability of future science plans, and we urge you to restore funding to the previously appropriated level of \$23.5 million.

National Estuarine Research Reserve System (NERRS).—We support the National Estuarine Research Reserve Association's requested level of \$20 million for NERRS, an increase of \$3.6 million over the fiscal year 2005 President's request. This level is necessary to maintain support for the system's basic operating requirements and core programs, and to provide support for one new site in Texas. NERRS operates the only national monitoring program for estuaries, identifying short-term variability and long-term trends in coastal environmental quality and health at national, regional, and local levels. These funds would also support the NERRS graduate fellowship program that brings academic research expertise to bear upon coastal and estuarine research data gaps and trains the next generation of scientists.

Oceanic and Atmospheric Research

Climate and Global Change Program.—The fiscal year 2005 budget request includes a reduction of \$9.15 million for the Climate and Global Change program. This important competitive grants program helps further our understanding of how the oceans control Earth's climate and enhances our predictive capability with respect to forecasting climate cycles affecting the United States. We urge you to restore the program to the fiscal year 2004 enacted level of \$69.7 million.

Global Ocean Observing System.—For fiscal year 2005, NOAA is requesting an increase of \$10.7 million to continue building a global ocean observing system. These funds bring the completion of the system to 53 percent, establishing a global network of ocean reference stations to document long-term ocean/atmosphere variability and provide validation points for climate forecast models. This funding is an important step towards completion of a multi-year plan to fully implement the ocean climate observing system by 2010.

Oceans and Human Health.—The fiscal year 2004 omnibus appropriations bill provided \$10 million to continue an important new program in NOAA studying the role of the oceans in human health. This developing effort is composed of three key elements: establishment of NOAA centers of excellence, implementation of a competitive external research grants, and support for traineeships and distinguished scholars. NOAA's program, which complements the joint National Science Foundation and the National Institute of Environmental Health Sciences initiative, is particularly important given the agency's unique leadership position with respect to ocean and coastal stewardship. We urge the Committee to continue the program and provide a modest increase of \$2 million in fiscal year 2005.

National Sea Grant College Program.—For over 35 years, Sea Grant has proven its value to U.S. taxpayers as a program that supports rigorous, high-quality research that is directly responsive to the concerns of coastal constituents. Over 300 Sea Grant institutions across 31 programs collaborate to respond to issues of national and regional importance using federal, state and industry partnerships that provide an extraordinary return on a modest federal investment. Congress recognized the value of Sea Grant when it reauthorized the program in 2002 at funding levels 25 percent higher than before. However, Sea Grant has lost significant opportunities to respond to critical national issues simply because actual program funding has not kept pace with inflation and needs. For this reason, we urge you to provide \$68.4 million for Sea Grant in fiscal year 2005.

Ocean Exploration.—The Administration's fiscal year 2005 budget requests a decrease of \$1.8 million for the Ocean Exploration program which funds partnerships with public and private institutions to search for new ocean resources, assess and explain the diversity of marine organisms, survey and explore historic shipwrecks, monitor ocean acoustics, and support educational efforts and outreach. This reduction will lead to a 20 percent decline in funding available for the academic community and other partners to engage with NOAA's program on specific projects. We urge you to restore this funding so that the ocean science community will be able to continue their participation in efforts to promote ocean exploration and research.

National Undersea Research Program (NURP).—Each year, NOAA's undersea research program supports over 200 research projects focused on developing the tools and expertise needed to work in the undersea environment. Projects are carried out primarily through the six regional NURP Centers, and are chosen on the basis of a merit-based peer-review process. This open, competitive process ensures a variety of high quality research projects directed towards pressing national and regional problems. We urge you to provide funding of \$15 million in fiscal year 2005 to support the work of the NURP centers.

Educational Partnership Program for Minority-Serving Institutions (EPPMSI).—We support the request of \$15 million for EPPMSI, and support the requested transfer of the program from Program Support to OAR. The under-representation

of minorities in the earth science disciplines continues to be a glaring problem, and NOAA's outreach initiatives are vital steps towards correcting the imbalance. This program also has the support of NASULGC's Office for the Advancement of Public Black Colleges.

National Marine Fisheries Service

Marine Mammals.—Sound is an essential tool for ocean researchers to penetrate the otherwise opaque waters of the sea. However, in recent years, concerns have grown about the impact of many types of noise on marine mammals, including acoustic research. One of the primary challenges to addressing this issue is our current, very limited scientific understanding of the effects of sound on marine mammals. Increasing this understanding would clarify and guide NOAA managers in developing administrative policies to allow the conduct of ocean research in compliance with applicable environmental laws as well as making it easier for researchers to include effective mitigation measures in their experimental plans. We urge that \$4 million be made available to NOAA for its participation in an independent, peer-reviewed interagency research program on the effects of sound on marine mammals. In addition, we urge that \$1 million be provided to NOAA Fisheries to strengthen its permitting capabilities and develop more efficient and effective criteria and guidance for ocean researchers with respect to marine mammals.

NOAA Education Programs

National Ocean Sciences Bowl (NOSB®).—Since its establishment in 1997, the National Ocean Sciences Bowl has reached more than 8,200 students and teachers in 24 regions, bringing the oceans into high school classrooms. The NOSB®, an academic competition for high school students who excel in math and science, is funded through a partnership with NOAA and other federal agencies, academia, foundations and industry. The Committee's past support for the NOSB® has supported important program enhancements including a pilot program to introduce the NOSB® in inner-city schools with high numbers of disadvantaged students, the National Ocean Scholars program in which students who have participated in the NOSB® compete for two-year college scholarships, and increased regional support. To continue and expand the NOSB® program, \$1.5 million is requested for fiscal year 2005.

Program Support—Marine Operations and Maintenance

Oceanographic Fleet Support.—For fiscal year 2005, NOAA has requested \$2.5 million from the University-National Oceanographic Laboratory System fleet to support work in the Pacific Ocean. The time at sea would be used to support long-time series research for Fisheries-Oceanographic Coordination Investigations (FOCI), studies of deep-sea vents and the maintenance of tsunami moorings in the Gulf of Alaska and the Pacific Ocean. Increased utilization of the UNOLS fleet by our federal colleagues helps to lower the overall costs of fleet support, leaving more funding for agency operations and research and experimentation.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF UNIVERSITY FISHERIES
AND WILDLIFE PROGRAMS

The National Association of University Fisheries and Wildlife Programs (NAUFWP) appreciates the opportunity to submit testimony concerning the fiscal year 2005 budget of the National Oceanic and Atmospheric Administration (NOAA). NAUFWP represents approximately 55 university programs and their 440 faculty members, scientists, and extension specialists, and over 9,200 undergraduates and graduate students working to enhance the science and management of fisheries and wildlife resources.

The National Sea Grant College Program provides essential academic research, education, and extension services for the oceans community. Sea Grant research is critical to the maintenance and improvement of the nation's marine resources, such as in the areas of combating aquatic nuisance and marine invasive species. The program is an excellent example of collaboration between federal and state governments and universities. Unfortunately, the Sea Grant program has been undermined by project terminations and a requested decrease in fiscal year 2005. Therefore, NAUFWP strongly urges Congress to appropriate \$62.4 million for this program in fiscal year 2005, which is \$5 million above the President's request.

NAUFWP supports the National Invasive Species Act (NISA) Program to prevent and control invasive species, and the Marine Aquaculture Program. These partnership programs within NOAA provide information to support policy and management decisions, increase knowledge of coastal and marine ecosystems, and provide the sci-

entific basis for enhancing the Nation's marine economic sector. NAUFWP supports the Administration's request of \$500,000 for NISA/Prevent and Control, and \$1.612 million the Marine Aquaculture Program. We urge Congress to appropriate these amounts for fiscal year 2005.

Thank you for considering the views of universities with fisheries and wildlife programs. We look forward to working with you and your staff to ensure adequate funding for fish and wildlife research, education, and conservation. Please include this testimony in the official written record.

PREPARED STATEMENT OF THE OCEAN CONSERVANCY

The Ocean Conservancy (TOC) is pleased to share its views regarding the marine conservation programs in the budgets of the National Oceanic and Atmospheric Administration (NOAA), the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs and the Marine Mammal Commission and requests that this statement be included in the official record for the fiscal year 2005 Commerce, Justice, State, the Judiciary and Related Agencies bill.

TOC cannot overstate the importance of this Subcommittee in advancing marine conservation and appreciates the funding provided in fiscal year 2004. TOC is deeply troubled by the severe cuts totaling over \$237 million to the National Ocean Service and the National Marine Fisheries Service proposed in the Administration's fiscal year 2005 budget request. If enacted, these cuts will cripple the agency's ability to properly manage our oceans. TOC recognizes the constraints this Subcommittee faces, but with the upcoming release of the U.S. Commission on Ocean Policy's draft report, we urge that you reject these cuts and make ocean conservation a top priority.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Conservation Trust Fund

Passed by Congress in 2000, the Conservation Trust Fund is a groundbreaking bipartisan accomplishment and represents a major advancement in conservation funding. TOC is grateful that this Subcommittee has upheld its commitment to funding the Conservation Trust Fund over the last four fiscal years and calls for your continued commitment in fiscal year 2005 by dedicating \$560 million for critical ocean and coastal conservation activities within NOAA. We also urge you to protect the integrity of the trust fund by limiting its uses to net increases, rather than using the fund as a substitute for base funding.

Coral Reef Conservation

NOAA plays a critical role in protecting coral reefs, serves on the Interagency Coral Reef Task Force and has major responsibilities for implementing the National Action Plan to Conserve Coral Reefs. Through monitoring, mapping, restoration and outreach activities, NOAA works with state, territorial, local and other parties to reduce land-based pollution, overfishing, diseases, and other threats to coral reefs. TOC urges the Subcommittee to provide \$2 million above the Administration's request, which will leverage an additional \$2 to \$4 million in matching resources, to support local action strategies to protect coral reefs through partnerships with local, state and territorial governments, universities and the private sector.

National Ocean Service

National Marine Sanctuary Program

The 13 U.S. national marine sanctuaries encompass more than 18,000 square miles of our most significant marine resources. TOC applauds the Subcommittee's recognition of the importance of the Sanctuary program by providing \$49 million for operations in fiscal year 2004 and urges at least level funding in fiscal year 2005. Continued funding at this level will reduce staffing shortages, support conservation, community outreach, research, and education programs, as well as provide the necessary funds for updating sanctuary management plans as required by law. TOC also supports \$10 million for construction, particularly for interpretive facilities to educate the public about the federal government's role in managing our nation's ocean and coastal resources.

Marine Protected Areas (MPAs)

TOC appreciates this Subcommittee's continued support of NOAA's MPA initiative and requests \$5 million in fiscal year 2005. This \$0.5 million increase will allow NOAA to work more effectively with federal and state agencies and other partners to acquire data for the ongoing MPA inventory, support the Marine Protected Areas

Advisory Committee and better assist stakeholders, including states and the National Park Service, by holding regional workshops and providing training and technical assistance.

Nonpoint Pollution Implementation Grants

Polluted runoff continues to be the nation's largest source of water pollution. TOC urges the Subcommittee to reject the Administration's proposed termination of this program and maintain level funding in fiscal year 2005 to help coastal states and territories continue to implement their approved nonpoint pollution control plans.

National Marine Fisheries Service

Expanding Fisheries Stock Assessments

The status of roughly two-thirds of our commercially caught ocean fish populations is unknown due in large part to lack of funding for basic research and regular stock assessments. We applaud the Subcommittee's decision to increase stock assessment funding to \$18 million in fiscal year 2004 and urge that this trend continue with \$33.9 million in fiscal year 2005, \$15 million above the Administration's request. Regular stock assessments will give managers baseline information critical to managing our fisheries and help reduce the backlog in research days-at-sea, which currently exceeds 3,800 days according to NMFS's current 10-year plan. This funding is one of The Ocean Conservancy's highest priorities.

Fisheries Observers

Along with stock assessments, reliable, objective information about how many fish and marine wildlife are being caught, directly and as bycatch, is crucial to responsible management of our ocean resources. Observers are a key means of collecting such information. TOC recommends \$35 million for fisheries observers in fiscal year 2004, \$12.5 million above the Administration's request, and encourages the Subcommittee to prioritize the following programs.

- West Coast Observers.*—TOC respectfully requests that the Subcommittee fund west coast observers at \$5 million in fiscal year 2005, \$120,000 above fiscal year 2004 enacted.
- Pelagic Longline Observers.*—TOC strongly supports \$3 million in funding for Atlantic and \$4 million in funding for Western Pacific pelagic longline fisheries observers. High interaction rates with endangered sea turtles have resulted in partial closures in both fisheries in recent years to avoid jeopardizing the continued existence of these species. In 2004, fishermen will return to the closed areas with gear and bait modifications expected to reduce the number and severity of sea turtle interactions. Adequate observer coverage is essential to determine the effectiveness of these modifications in each fishery. NMFS will require 100 percent observer coverage in the reopened longline swordfish fishery in the Western Pacific. TOC believes that a minimum of 20 percent observer coverage should be required throughout the Atlantic, with 100 percent coverage for any further gear research. Since 2001, Atlantic observer coverage has not met even the 5 percent level required by NMFS in order to comply with the ESA. As a result, NMFS estimates that several hundred endangered sea turtles were captured in excess of authorized levels before the agency took action to require further protections.
- New England Observers.*—TOC appreciates this Subcommittee's inclusion of report language and \$9.3 million for New England groundfish observers in fiscal year 2004 and requests level funding and the inclusion of the following report language in fiscal year 2005: "The Subcommittee expects NMFS to allocate sufficient funds to achieve ten percent observer coverage in the New England groundfish fishery, and in the non-directed fishery to the extent practicable."
- Bycatch Observers.*—TOC respectfully requests the Subcommittee support level funding at \$4.9 million in fiscal year 2005.

Endangered Species Act—Other Species

TOC urges the Subcommittee to restore funding in fiscal year 2005 for Endangered Species Act (ESA) recovery planning and implementation. This funding is vital for NMFS to support the recovery of endangered marine species like the smalltooth sawfish, respond to listing petitions in a timely fashion, conduct Section 7 consultations, designate critical habitat and implement recovery plans. Of the 52 ESA-listed species managed by NOAA, less than one-third have recovery plans in place, most of which are critically out of date. We implore the Subcommittee to address this problem and provide \$5.7 million in fiscal year 2005, \$2.0 million above the Administration's request.

Marine Mammal Protection

A lack of adequate resources has severely hampered NMFS's ability to effectively implement the Marine Mammal Protection Act. TOC is deeply disappointed that the Subcommittee cut funding in fiscal year 2004 and strongly urges the Subcommittee to provide at least \$15 million in fiscal year 2005. This will allow NMFS to fund top priority studies identified by the take reduction teams; design and implement fishery management plans that will not endanger marine mammals; conduct research on population trends, health, and demographics; and carry out education and enforcement programs. This funding is one of The Ocean Conservancy's highest priorities. In addition, we urge the Subcommittee to restore funding for the Marine Mammal Health and Stranding Response Program, which was cut in fiscal year 2004, and provide \$2 million in fiscal year 2005. Die-offs of large numbers of marine mammals, including a recent bottlenosed dolphin event in Florida, are of significant conservation importance. Determining the cause of these events requires not only expertise, but also financial resources.

Protected Resources Stock Assessments

The MMPA and the ESA require NMFS to regularly evaluate the status of approximately 230 stocks of marine mammals, sea turtles, and other marine and anadromous species. Accurate and precise biological information is necessary to carry out effective conservation programs, promote recovery, evaluate listing status, and authorize scientifically defensible incidental take permits. Unfortunately, over 130 marine mammal stocks and all U.S. sea turtle populations lack the necessary data required under MMPA or ESA. TOC urges the Subcommittee to consider providing \$5 million in fiscal year 2005, which will begin to address the problem.

National Environmental Policy Act (NEPA) Implementation

TOC supports the Administration's \$8.0 million request for implementing NEPA. This funding is critical, as NMFS is required by law to consider and document potential environmental impacts of agency actions, ranging from complex rulemakings to controversial research permits. Of these funds, we urge the committee to dedicate \$2 million to ensure robust NEPA analyses for marine mammal permitting.

Highly Migratory Shark Fisheries Research Program

This effective multi-regional collaborative effort conducts vital research on shark and ray populations in the Gulf of Mexico, the Atlantic, and the Pacific. This research provides NMFS with critical information necessary for effective management and conservation of shark fishery resources. TOC appreciates the Subcommittee's rejection of the Administration's proposed cut in fiscal year 2004 and requests level funding at \$2.0 million in fiscal year 2005.

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs

International Fisheries Commission Account

TOC requests \$200,000 for the State Department to implement the landmark Inter-American Convention for the Protection and Conservation of Sea Turtles and the Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South East Asia. The United States played a leading role in the establishment of these conservation instruments and our continued leadership and support will ensure that momentum continues.

MARINE MAMMAL COMMISSION

TOC requests that the Subcommittee support the Marine Mammal Commission's base program at \$2.25 million in fiscal year 2004, \$350,000 above the Administration's request.

ANTI-ENVIRONMENTAL RIDERS

TOC urges the Subcommittee to not attach any anti-environmental rider to this or any other appropriations bill. In the past, riders have been used by Members of Congress to roll back environmental protections and prevent NOAA from advancing marine conservation.

These programs and issues are of the utmost importance to the stewardship of the nation's living marine resources. We greatly appreciate your support for these programs in the past and look forward to continued, responsible funding for these programs in fiscal year 2005. Thank you for considering our requests.

PREPARED STATEMENT OF THE NATIONAL FEDERATION OF COMMUNITY BROADCASTERS

Thank you for the opportunity to submit testimony to this Subcommittee requesting a \$55 million appropriation for the Public Telecommunications Facilities Program (PTFP) in fiscal year 2005. As the President and CEO of the National Federation of Community Broadcasters, I speak on behalf of nearly 250 community radio stations and related organizations across the country. This includes the new Low Power FM service that has recently been authorized by the FCC. NFCB is the sole national organization representing this group of stations, which provide service in both the smallest communities and largest metropolitan areas of this country. Nearly half of our members are rural stations, and half are minority controlled stations.

In summary, the points we wish to make to this Subcommittee are that NFCB:

- Supports funding for PTFP that will cover the on-going needs of public radio and television stations.
- Supports funding for conversion of public radio and television to digital broadcasting.
- Requests report language to ensure that PTFP utilizes any digital funds it receives for radio as well as television needs.

Community radio supports \$55 million in funding for the Public Telecommunications Facilities Program in fiscal year 2005. Federal support distributed through the PTFP is essential to continuing and expanding the public broadcasting service throughout the United States. It is particularly critical for rural stations and for those stations serving minority communities. PTFP funds new stations, expanding the reach of public broadcasting to rural areas and to audiences that are not presently served by existing stations. In addition, it replaces obsolete and worn out equipment so that the existing stations can continue to broadcast high quality programming. Finally, with the advent of digital broadcasting, PTFP funding will help with the conversion to this new technology.

We support \$55 million in funding to ensure that both the on-going program—currently funded in fiscal year 2004 at \$22 million—will be continued, and that the increase to \$55 million will be available to help cover the cost of radio and television converting to digital transmission. This increase in funding is urgent because the FCC has now endorsed a standard for digital radio broadcasting and the television conversion deadline is imminent. In addition, commercial radio stations are converting to digital transmission and public radio should not be left behind.

Funding from PTFP has been essential to keep public radio stations on the air by funding replacement of equipment, often after 20 or more years of use. The program is administered carefully to be sure that stations are acquiring the most appropriate type of equipment. They also determine that equipment is being properly maintained and will not fund the replacement of equipment before an appropriate length of time. PTFP has also helped bring public radio service to rural areas where it is not available. Sometimes they fund translators to expand the coverage of an existing station and sometimes they help with the planning and equipment needs of a new station. Recently, many of these new projects have been for Native American controlled stations on Indian Reservations or new local Low Power FM installations.

Federal funding is particularly critical to stations serving rural and underserved audiences which have limited potential for fundraising because of sparse populations, limited number of local businesses, and low income levels. Even so, PTFP funding is a matching program so that the federal money is leveraged with a local commitment of funds. This program is a strong motivating factor in raising the significant money necessary to replace, upgrade and purchase expensive broadcast equipment.

Community radio supports funding for conversion to digital broadcasting for public radio and television. While public television's digital conversion is mandated by the Federal Communications Commission, public radio is converting to digital to provide more public service and to keep up with the market. The digital standard for radio has been approved. The initial conversion of radio stations is being concentrated in 13 seed markets and it is important that public radio be part of this project. Most exciting to public radio is the encouraging results of tests that National Public Radio has conducted that indicate that stations can broadcast two high quality signals, even while they continue to provide the analog signal. The development of 2nd digital audio channels will potentially double the public service that public radio can provide, particularly to unserved and underserved communities.

We appreciate Congress' direction to the Corporation for Public Broadcasting that it utilize its digital conversion fund for both radio and television and ask that you ensure that the PTFP funds are used for both media. Congress stated, with regard to the fiscal year 2000 digital conversion funds:

"The required (digital) conversion will impose enormous costs on both individual stations and the public broadcasting system as a whole. Because television and radio infrastructures are closely linked, the conversion of television to digital will create immediate costs not only for television, but also for public radio stations. Therefore, the Committee has included \$15,000,000 to assist radio stations and television stations in the conversion to digitization . . ." (S. Rpt. 105-300)

Thank you for your consideration of our testimony. If the Subcommittee has any questions or needs to follow-up on any of the points expressed above, please contact: Carol Pierson, President and CEO, National Federation of Community Broadcasters, 1970 Broadway, Suite 1000, Oakland, CA 94612. Telephone: 510-451-8200. Fax: 510-451-8208. E-mail: carol@nfc.org.

The NFCB is a twenty-nine year old grassroots organization which was established by and continues to be supported by our member stations. Large and small, rural and urban, NFCB member stations are distinguished by their commitment to local programming, community participation and support. NFCB's nearly 250 members come from across the United States, from Alaska to Florida; from every major market to the smallest Native American reservation. While urban member stations provide alternative programming to communities that include New York, Minneapolis, San Francisco and other major markets, rural members are often the sole source of local and national daily news and information in their communities. NFCB's membership reflects the true diversity of the American population: 41 percent of members serve rural communities, and 46 percent are minority radio services.

On community radio stations' airwaves examples of localism abound: on KWSO in Warm Springs, Oregon, you will hear morning drive programs in their Native language; throughout the California farming areas in the central valley, Radio Bilingüe programs five stations targeting low-income farm workers; in Chevak, Alaska, on KCUK you will hear the local weather reports and public service announcements in Cup'ik/Yup'ik Eskimo; in Dunmore, West Virginia, you will hear coverage of the local school board and county commission meetings; KABR in Alamo, New Mexico serves its small isolated Native American population with programming almost exclusively in Navajo; and on WWOZ you can hear the sounds and culture of New Orleans throughout the day and night.

In 1949 the first community radio station went on the air. From that day forward, community radio stations have been reliant on their local community for support through listener contributions. Today, many stations are partially funded through the Corporation for Public Broadcasting grant programs. CPB funds represent under 10 percent of the larger stations' budgets, but can represent up to 50 percent of the budget of the smallest rural stations. PTFP funding is a critical source of matching funds for these essential community resources.

PREPARED STATEMENT OF THE MARINE FISH CONSERVATION NETWORK

The Marine Fish Conservation Network (Network) is pleased to share its views regarding National Marine Fisheries Service (NMFS) programs in the National Oceanic and Atmospheric Administration's (NOAA) fiscal year 2005 budget request. We ask that this statement be included in the hearing record for the fiscal year 2005 Commerce, Justice, State, and the Judiciary Appropriations Bill. We are requesting a budget increase of \$40.75 million for NMFS programs in the fiscal year 2005 budget to be allocated for stock assessments (\$15 million), observer programs (\$12.5 million), essential fish habitat (\$10.15 million), and vessel monitoring systems (\$3.1 million) as described below.

The Network is a national coalition of more than 160 environmental organizations, commercial and recreational fishing associations, aquariums, and marine science groups dedicated to conserving marine fish and promoting their long-term sustainability. We greatly appreciate the funding this Subcommittee has provided for the marine fish conservation programs within NMFS in the past and we look forward to working with the Subcommittee to enact adequate levels of funding for the coming fiscal year.

There are four areas of the NMFS budget where we believe the requested funding levels need to be increased to help the agency fulfill its obligations as the federal government's fish management agency.

STOCK ASSESSMENTS

Request: Total of \$33.9 million

While we are pleased that NMFS has requested an \$800,000 increase in the expanding stock assessments line item, we remain concerned that funding in this area is insufficient. There currently is a gap of over \$40 million between what NMFS needs to conduct stock assessments of federally managed fish populations and the funding that is available. Also, NMFS estimates that under current funding levels it has a deficit of 3,811 days at sea, many of which are used to conduct stock assessments. The impact of this deficit is demonstrated by the fact that the status of three-quarters of all fish species managed by NMFS is unknown, largely due to a lack of funding for basic research and stock assessments. An additional \$15 million, for a total appropriation of \$33.9 million for expanding stock assessments, would further this essential work.

OBSERVER PROGRAMS

Request: Total of \$35 million

As stated by NOAA in their budget summary, the current level of funding will only provide observers for 43 fisheries and adequate coverage for only 29 of those. Last year Congress took a strong positive step to improve the management of America's fish populations when it increased the overall fisheries observer budget by almost \$11 million. Observers are an essential fish management tool because they provide critical data on the amount and type of ocean wildlife killed due to fishing. However, the proposed fiscal year 2005 budget would decrease this funding by \$2.3 million. A nationwide observer program for all federal fisheries would cost approximately \$118 million. A smart investment toward the sustainability of our nation's fisheries would be to fully fund a national observer program. Increasing funding for observers by \$12.5 million to a total of \$35 million, would be a down payment on that effort.

ESSENTIAL FISH HABITAT

Request: Total of \$15 million

Essential fish habitats (EFH) are those waters and substrate upon which fish depend for reproduction and growth. Land-based activities and destructive fishing practices threaten the viability of these habitats and the sustainability of the fish populations that depend on them. While the Sustainable Fisheries Act of 1996 gave NMFS a clear mandate to identify and protect EFH, too little has been done to protect these habitats. NMFS has approximately \$4.85 million in its base budget for EFH. This level of funding is not nearly adequate for protecting the EFH for the almost 1,000 federally managed fish, nor for the research necessary to understand the relationship between habitat and healthy fish populations. Increasing funding by \$10.15 million to a total of \$15 million would better equip NMFS to gain the information necessary to further refine EFH designations and take action to protect EFH from the adverse impacts of fishing.

VESSEL MONITORING SYSTEMS

Request: Total of \$12.4 million

Increasing funding for vessel monitoring systems (VMS) to \$12.4 million would allow for the establishment and implementation of VMS, as well as placing VMS transponders on many of the estimated 10,000 vessels in the U.S. commercial fishing fleet. This represents a \$3.1 million increase over the President's request. VMS programs enhance data collection and safety at sea. VMS is beneficial to regulators because it will allow officials to know when a fishing vessel is violating closed areas or is fishing beyond the end of a regulated fishing season.

Thank you for considering our request for increasing funding for these important fish management programs. These increases will go a long way toward ensuring that NMFS can better manage and protect our nation's fish resources now and for the future.

PREPARED STATEMENT OF THE HONORABLE JIMMIE KERR, PINAL COUNTY SUPERVISOR

Chairman Gregg, Ranking Member Hollings, and distinguished members of the Subcommittee, thank you for allowing me to testify today in support of a \$9 million Cooperative Assistance Grant (CAP) from the U.S. Marshals Service (USMS) for ex-

pansion of the Pinal County detention facility in the fiscal year 2005 Senate Commerce, Justice, State and the Judiciary Appropriations bill.

As you may know, Mr. Chairman, Arizona is the second fastest growing state in the nation. And, Pinal County is the fastest growing county per capita in the state. Unfortunately, with increased population comes increased crime. Simply put, our jails and prisons are grossly overcrowded and each and every year this problem is only exacerbated by our growing population. Our county has come up with a unique proposal that will repay the federal government, help the Marshals Service obtain much needed additional bed space, and, at the same time, relieve our county's overcrowded prison population. This proposal would be a win-win for the federal government and Pinal County.

Under the proposal, the CAP grant would enable Pinal County to build an additional 500 unit pod onto its new detention facility. In return, the USMS would be guaranteed an additional 200 beds in the Pinal County facility.

Pinal County would reduce the established USMS per diem rate for all inmates in the facility by \$18.60 per day until the grant is fully repaid to the USMS. It is estimated that USMS would recover the entire \$9 million in less than seven years, which would save the USMS the total annual operating cost equivalent of approximately 153,577 prisoner days over this roughly seven year period.

The reduced per diem rate, while working to pay back the USMS, would also help fund the additional operating costs of the new facility to the tune of about \$2.92 million per year ($200 \text{ inmates} \times \$40 \times 365 \text{ days} = \$2,920,000$). In addition, the USMS would save nearly \$1.4 million per year over the next seven years for operating expenditures under this unique proposal ($\$18.60 \times 200 \times 365 = \$1,357,800$).

Again, our detention center facilities are way too overcrowded and Pinal County's approach to this problem benefits both the federal government and the county. At a time when the federal deficit threatens fiscal solvency, this plan responds to those fiscal demands by repaying the federal government for all the money that is borrowed.

Therefore, I strongly urge the Subcommittee to support Pinal County's request for a \$9 million CAP grant to expand its overcrowded facility. Thank you in advance for your consideration of this request.

PREPARED STATEMENT OF THE REGIONAL INFORMATION SHARING SYSTEMS (RISS) PROGRAM

The Regional Information Sharing Systems (RISS) Program respectfully requests that Congress appropriate for fiscal year 2005, \$50 million to continue their support in combating terrorism, drug trafficking, and organized crime.

These funds will enable RISS to continue services to state and local law enforcement agencies to identify, target, prosecute, and remove criminal conspirators involved in terrorism activity, drug trafficking, organized criminal activity, criminal gangs, and violent crime that span multijurisdictional boundaries. Funds will allow RISS to continue to support the investigation and prosecution efforts of over 6,600 local, state, tribal, and federal law enforcement member agencies across the nation comprising over 744,000 sworn law enforcement personnel.

Through funding from Congress, RISS has implemented and operates the only secure Web-based nationwide network—called *riss.net*—for communications and sharing of criminal intelligence by local, state, tribal, and federal law enforcement agencies. Funds will allow RISS to upgrade the technology infrastructure and resources to support increased use and reliance on the system by member law enforcement agencies and support the integration of other systems connected to *riss.net* for information sharing and communication. Using Virtual Private Network technology, the law enforcement users access the public Internet from their desktops and have a secure connection over the private *riss.net* intranet to all RISS criminal intelligence databases and resources. RISS member law enforcement agencies accessed *riss.net* an average of 3.6 million times per month during fiscal year 2003. *Riss.net* is a proven, highly effective system that improves the quality of criminal intelligence information available to law enforcement officers to make key decisions at critical points in their investigation and prosecution efforts.

The Office of Justice Programs (OJP), Regional Information Sharing Systems (RISS) is a federally funded program comprised of six regional intelligence centers. The six centers provide criminal information exchange and other related operational support services to local, state, tribal, and federal law enforcement agencies located in all fifty states, the District of Columbia, U.S. territories, Canada, Australia, and England. These centers are:

- Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN)*.—Delaware, District of Columbia, Indiana, Maryland, Michigan, Pennsylvania, Ohio, New Jersey, and New York, as well as Australia, Canada, and England.
- Mid-States Organized Crime Information Center (MOCIC)*.—Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, as well as Canada.
- New England State Police Information Network (NESPIN)*.—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, as well as Canada.
- Regional Organized Crime Information Center (ROCIC)*.—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, as well as Puerto Rico and the U.S. Virgin Islands.
- Rocky Mountain Information Network (RMIN)*.—Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, as well as Canada.
- Western States Information Network (WSIN)*.—Alaska, California, Hawaii, Oregon, and Washington, as well as Canada, Guam, and Australia.

RISS is a force multiplier in fighting increased violent criminal activity by terrorists, drug traffickers, sophisticated cyber criminals, street gangs, and emerging criminal groups that require a cooperative effort by local, state, tribal, and federal law enforcement. There is an increasing communications sophistication by the criminal networks, including terrorists, and a rising presence of organized and mobile narcotics crime. Interagency cooperation in sharing information has proven to be the best method to combat the increasing criminal activity in these areas. The RISS centers are filling law enforcement's need for rapid, but controlled, sharing of information and intelligence pertaining to known or suspected terrorists, drug traffickers, and other criminals. Congress funded the RISS Program to address this need as evidenced by its authorization in the Anti-Drug Abuse Act of 1988.

The success of RISS has been acknowledged and vigorously endorsed by the International Association of Chiefs of Police (IACP), as well as other national law enforcement groups such as the National Sheriffs' Association (NSA) and the National Fraternal Order of Police (NFOP).

RISS is operating current state-of-the-art technical capabilities and systems architecture that allow local, state, tribal, and federal law enforcement member agencies to interact electronically with one another in a secure environment. The RISS system has built-in accountability and security. The RISS secure intranet (riss.net) protects information through use of encryption, smart cards, Internet protocol security standards, and firewalls to prevent unauthorized access. The RISS system is governed by the operating principles and security and privacy standards of 28 CFR Part 23 (Criminal Intelligence Systems Operating Policies). The technical architecture adopted by RISS requires proper authorization to access information, but also provides flexibility in the levels of electronic access assigned to individual users based on security and need-to-know issues. Riss.net supports secure e-mail and is easily accessible using the Internet. This type system and architecture is referenced and recommended in the General Counterdrug Intelligence Plan (GCIP) and is endorsed by the National Criminal Intelligence Sharing Plan (NCISP).

The FBI Law Enforcement Online (LEO) system and the RISS system achieved interconnection of the two systems in 2002 for distribution of sensitive but unclassified homeland security information to authorized users of both LEO and RISS. The value of this interconnection was recognized in 2003 by the National Criminal Intelligence Sharing Plan, which is sponsored by the U.S. Department of Justice. The Plan designates the RISS/LEO interconnection as the initial sensitive but unclassified communications backbone for implementation of a nationwide criminal intelligence sharing capability. This nationwide sensitive but unclassified communications backbone supports fully functional, bidirectional information sharing capabilities that reuse existing local, state, tribal, regional, and federal infrastructure investments. The Plan recommends that interoperability of existing systems with the RISS/LEO communications capability proceed immediately to leverage information sharing systems and expand intelligence sharing. The International Association of Chiefs of Police, the U.S. Attorney General, and other federal agency administrators endorse the Plan and have adopted it as a national model for all law enforcement agencies, organizations, and associations. RISS officials are working to implement the Plan recommendations within current budgetary restraints.

In addition, RISS has recognized that the need for exchange of information extends beyond law enforcement and the RISS/LEO virtual single system. During 2003, RISS implemented a service available over riss.net to link law enforcement with the public safety and first responder agencies involved in securing our nation

from terrorism. The service is known as the RISS Anti-Terrorism Information Exchange, or RISS ATIX, and includes a secure Web site, secure bulletin board, and secure e-mail. Through this capability, users can post timely threat information, view and respond to messages posted by government, police, fire, emergency, and infrastructure security personnel, and collaborate with law enforcement partners. These additional groups of users include public service, public safety, emergency management, utility, and other critical infrastructure personnel that have traditionally not been served by RISS. RISS began this service with limited funding to provide a rapid, secure means for first responder agencies to share information.

RISS has entered into a partnership with the High Intensity Drug Trafficking Areas (HIDTA) to electronically connect all of the HIDTAs to riss.net for communications and information sharing. Currently, 16 HIDTAs are electronically connected as nodes to riss.net, and RISS is working to complete the connection of the remaining HIDTAs. Twelve state agencies are currently connected as nodes on riss.net. An additional nine state law enforcement agencies are pending connection as nodes to share information, including terrorism and homeland security information, using riss.net.

The Executive Office for United States Attorneys (EOUSA) has connected staff to riss.net at each of the 93 U.S. Attorneys' Offices (USAO) Anti-Terrorism Task Forces throughout the United States. Staff at the U.S. Department of Justice, Criminal Division, has connected to riss.net. RISS and the El Paso Intelligence Center (EPIC) officials entered into a partnership and have electronically connected EPIC as a node to riss.net to capture clandestine laboratory seizure data from RISS state and local law enforcement member agencies. Other systems connected to riss.net include the Law Enforcement Intelligence Unit (LEIU), the National Drug Pointer Index (NDPIX), the National White Collar Crime Center (NW³C), the National Law Enforcement Telecommunication System (NLETS), and the Criminal Information Sharing Alliance (CISA), formerly the Southwest Border States Anti-Drug Information System (SWBSADIS). The United States Postal Inspection Service (USPIS) is currently pending connection to riss.net as a node. The National Drug Intelligence Center (NDIC) uses the RISS network as a communications mechanism for publishing counterdrug intelligence products to federal, state, local, and tribal law enforcement members.

The integration of the above-mentioned state and federal agencies and systems with the riss.net secure nationwide communications backbone has increased the sharing of criminal intelligence and alerts and homeland security information within their own agencies and among the other agencies. The operation of RISS ATIX provides first responders and critical infrastructure personnel with a secure means via riss.net to communicate, share information, and receive terrorist threat information.

Due to the interest of many law enforcement agency systems to electronically connect to the RISS/LEO backbone, RISS has developed a security architecture solution to allow users with various types of security credentials to connect and traverse riss.net to share information and access resources without being required to use the RISS specific security credentials. Adequate funding is needed to implement the technology.

—RISS is operating an unprecedented nationwide network for communicating critical information in a secure environment to both law enforcement and other first responders. To support the increased needs of these personnel and continue to maintain the RISS system and demand for RISS services and resources, RISS is requesting an increase in funding to \$50 million for 2005.

In view of today's increasing demands on federal, state, local, and tribal law enforcement budgets, requests for RISS services have risen. This support of law enforcement has had a dramatic impact on the success of their investigations. Over the three-year period 2001–2003, RISS generated a return by member agencies that resulted in 11,701 arrests, seizure of narcotics valued at over \$189 million, seizure of over \$9.8 million in currency, and recovery or seizure of property valued at over \$31 million.

RISS continues to work with federal, state, local, and tribal agencies in their efforts to combat the menace of drugs on our street, and the significant influence of youth gangs in the distribution and sale of drugs. RISS is working to foster relationships with public safety and first responder agencies to increase information sharing on terrorism and critical infrastructure matters among those groups and with law enforcement.

The Bureau of Justice Assistance administers the RISS Program and has established guidelines for provision of services to member agencies. The RISS regional intelligence centers are subject to oversight, monitoring, and auditing by the U.S. Congress; the General Accounting Office, a federally funded program evaluation of-

face; the U.S. Department of Justice, Bureau of Justice Assistance; and state and local governmental units. The Bureau of Justice Assistance also monitors the RISS centers for 28 CFR Part 23 compliance. This regulation emphasizes adherence to individual constitutional and privacy rights and places stricter controls on the RISS intelligence sharing function than those placed on most federal, state, or local agencies. RISS firmly recognizes the need to ensure that individuals' constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process. In this regard, RISS officials recently adopted a RISS Privacy Policy to further strengthen their commitment and support of 28 CFR Part 23 and protection of individual privacy rights.

It is respectfully requested that the Congress fully fund the RISS Program as a line item in the Congressional budget, in the requested amount of \$50 million. Local and state law enforcement, who depend on the RISS centers for information sharing, training, analytical support, investigative funding, and technical assistance, are experiencing increased competition for decreasing budget resources. It would be counterproductive to require the RISS members from state and local agencies to self-fund match requirements, as well as to reduce the amount of BJA discretionary funding. The state and local agencies require more, not less, funding to fight the nation's crime/drug problem. The RISS Program cannot make up the decrease in funding that a match would cause, and it has no revenue source of its own. Cutting the RISS appropriation by requiring a match should not be imposed on the program.

We are grateful for this opportunity to provide the committee with this testimony and appreciate the support this committee has continuously provided to the RISS Program.

PREPARED STATEMENT OF THE INSTITUTE OF MAKERS OF EXPLOSIVES

Interest of the Institute of Makers of Explosives (IME)

The IME is the safety and security association of the commercial explosives industry. Our mission is to promote safety and the protection of employees, users, the public and the environment; and to encourage the adoption of uniform rules and regulations in the manufacture, transportation, storage, handling, use and disposal of explosive materials used in blasting and other essential operations. ATF is one of the agencies that plays a primary role in assuring that explosives are identified, tracked, and stored only to and by authorized persons. The ability to manufacture, distribute and use these products safely and securely is critical to this industry. With this perspective, we have carefully reviewed the Administration's fiscal year 2005 budget request and have the following comments.

Performance Measures Fall Short of Strategic Goals

The commerce of explosives is one of the nation's most heavily regulated activities. ATF plays a key role in this regulatory scheme through its implementation of Federal Explosives Law. To ensure that the Bureau meets its statutory responsibilities, ATF has identified goals and performance standards that can measure areas of progress or areas needing attention. With regard to its explosives mission, the Bureau states that its strategic goals are to "counter crimes of violence" by effective enforcement of Federal Explosives Law (FEL) and to "protect public safety" through regulation of the explosives industry and explosives safety efforts.¹ To accomplish these goals, ATF sets a number of performance measures.² Regrettably, with two exceptions, these measures do not identify outcome measures as required by Government Results and Performance Act.

The two exceptions are the measures to "investigate all reported explosives thefts" and to respond to all "telephone inquiries from industry [within] 72 hours."³ We support these measures. However, we question ATF's determination to limit its efforts to timely respond to inquiries from industry to those inquiries received by telephone. This measure should be expanded to include other electronic forms of communication, as well as letter correspondence.

This leaves a number of measures with questionable outcomes. Under its goal to "counter crimes of violence," the Bureau states that it will open some yet to be determined number of explosives investigations and related to this the "number of [explosives] defendants convicted." However, if ATF's enforcement initiatives were working, a more meaningful outcome measure should be the number of investigations closed or otherwise resolved, irrespective of whether a conviction was obtained.

¹ DOJ Fiscal Year 2005 Budget Summary, page ATF-29.

² DOJ Fiscal Year 2005 Budget Summary, page ATF-35.

³ DOJ Fiscal Year 2005 Budget Summary, page ATF-35.

Under its goal to “protect public safety,” the Bureau states that it will conduct 33 percent of its universe of explosives licensee/permittees, which it projects to be about 4,000, and that it will resolve up to 850 unsafe explosives conditions discovered by its inspectors. In fact, the statutory standard for inspection of licensee/permittees is, with the exception of “limited permittees,” to inspect all licensee/permittee applicants prior to the issuance of such license or permit.⁴ Thus the appropriate inspection measure should be the percentage of inspections performed within the timeframe required by law. ATF’s standard to resolve up to 850 unsafe explosives conditions is also inadequate. ATF has used this estimate at least since the Administration’s fiscal year 2003 budget request when it suggested that 850 corrective actions were less than half the Bureau’s current workload.⁵ The Administration’s fiscal year 2005 request does not disclose what the Bureau’s current corrective action workload is. Without this context, the 850 corrective action standard has no basis. If ATF’s compliance initiatives are working, however, a more meaningful outcome measure should be to show a decreasing trend in the percent of non-compliance practices that industry fails to rectify after corrective actions have been issued.

Concerns about the Adequacy of Budget Resources

To accomplish the missions of ATF’s explosives and arson program, the Administration requests \$231.2 million, an increase of \$16.1 million over fiscal year 2004, but only \$2.6 million over current services.⁶ Nearly half of this new money, \$1.1 million is for partial funding of 62 new positions (31 FTE).⁷ All of these FTP would be brought in as inspectors.⁸ Still, the fiscal year 2005 budget request raises questions about ATF’s ability to perform assigned functions.

—*Baseline Data.*—We cannot comment on the adequacy of ATF’s services to industries other than our own. Still, the budget request is difficult to evaluate in terms of resources because it does not disclose information about its current workload, with the exception of reports due to Congress. Even that is incomplete as noted below. To better justify the Bureau’s budget submission, ATF should be asked to provide information on: the number of investigations that are open, the date of the oldest and the number of new cases opened in the last fiscal year; the number of inspections that will be required to be performed to permit/license renewals; the number of times ATF failed and for what reason to issue a permit or license within the 90-day timeframe required by law; the number of background checks that ATF has performed, within what average timeframe, and of those, how many individuals failed to receive clearance, and of those, how many appealed the Bureau’s findings; the number of rulemakings outstanding and their priority; turnover rates among agents and inspectors; and the number of persons and from what agencies that are trained through ATF programs. Absent information of this type, it is unclear how Congress can effectively oversee ATF’s explosives operations and determine the adequacy of its budget request.

—*Inspections.*—As noted above, the statutory standard for inspection of licensee/permittees is, with the exception of “limited permittees,” to inspect the licensee/permittee applicant prior to the issuance of such license or permit. ATF has not met this standard in all instances. We would hope, with the addition of 62 inspector positions, that this situation will improve.

—*Rulemakings.*—The last publication of a “final” rule of consequence to the explosives industry was in 1998.⁹ Currently, ATF has six open rulemakings of interest and concern to the explosives industry.¹⁰ The oldest of these was proposed in 1997. Several are a result of the enactment of the Safe Explosives Act (SEA) in 2002. Our primary interface with ATF is through efforts to comply with the Bureau’s regulations. Two of these rulemakings, which implement the SEA, were issued as “interim final rules,” which allows rules to be enforced without standard input as to the effect of the rule on the regulated community. Subsequently, IME raised a number interpretative questions and concerns about

⁴ 18 U.S.C. 843(b)(4)(A).

⁵ Statement of Bradley A. Buckles, Director, ATF, Subcommittee on Treasury, Postal Service and General Government, House Appropriations Committee, February 28, 2002, page 17. (Fiscal year 2001—1,813 violations; 1st quarter fiscal year 2002—1,763 violations.)

⁶ DOJ Fiscal Year 2005 Budget Summary, page ATF 29. About 9 percent of this request, \$20.7 million, is programmed for information and technology enhancements, basically a level funding of the fiscal year 2004 allocation for these functions.

⁷ DOJ Fiscal Year 2005 Budget Summary, page ATF-A6

⁸ DOJ Fiscal Year 2005 Budget Summary, page ATF-A5.

⁹ 63 FR 44999 (August 24, 1998).

¹⁰ Semiannual Agenda, 68 FR 73169–72 (December 22, 2003).

these rules which are critical to the continued commerce of commercial explosives. Yet, ATF does not project finalizing these rules until February 2005.

Another pending rulemaking deserving of comment stems from a loophole in current regulations that allows the importation of explosives with no marks of manufacture identification. Conversely, ATF regulations require domestic manufacturers to mark all explosive materials they manufacture for sale or distribution for reasons of security and safety.¹¹ ATF has emphasized that the failure to apply these markings inhibits law enforcement from tracking explosives to the source, and proving criminal activity. The marks enhance safety because some explosives deteriorate over time and the code allows users to keep inventory fresh. Additionally, the marks are one of industry's "QA/QC" tools, allowing the manufacturer the ability to trace product quality problems back to the point of manufacture and distribution. In 2000, IME petitioned ATF for a rulemaking to close this loophole as it applies to high explosives and blasting agents.¹² Our petition would make it unlawful for any licensee to import such explosive materials without marking all explosives materials in the same manner prescribed by the ATF for domestic manufacturers. ATF finally published a proposed rulemaking on this issue in October 2002.¹³ In light of the priority given to strengthening homeland security, we have not understood the lack of urgency given to this rulemaking. In the latest edition of the Administration's semi-annual regulatory agenda, ATF has pushed back for the third time its "deadline" for completing this rulemaking.¹⁴ Now, four years after the filing of our initial petition, we ask you to insist that ATF not let this target release date slip.

—*Reports.*—ATF acknowledges three reports that are due to House and Senate Appropriations Committees.¹⁵ Two of the reports are required "prior" to the obligation of the \$14 million fiscal year 2004 allocation to implement the SEA or the National Explosives Licensing Center which will process the SEA license/permit applications. The release of these funds is crucial to the effective and efficient implementation of the SEA. We are concerned by ATF's lack of timeliness in submitting these reports given that the provisions of the SEA have been effective since May 24, 2003. According to ATF's estimate, nearly a year will have passed between the effective date of the SEA and the "target" date of the delivery of these reports to Congress. We find this delay without justification.¹⁶ There are other reports due Congress from the ATF and are not mentioned in the Bureau's budget request of particular concern to IME. The Antiterrorism and Effective Death Penalty Act of 1996 charged ATF, which was delegated the authority, to report on the feasibility of tagging explosive materials for purposes of detection and/or identification, rendering common chemicals used to manufacture explosive materials inert, and imposing controls on certain precursor chemicals used to manufacture explosive materials.¹⁷ We understand that ATF intends to provide two reports to meet this mandate. One will address issues related to the tagging, and in particular "identification" tagging, of explosive materials. The other will address issues related to the enhanced control of ammonium nitrate (AN)—a precursor chemical used to manufacture explosives. We have been told by ATF that the "AN" report is pending at DOJ and that the "Taggant" report has yet to clear the Bureau. We are particularly concerned about the content and recommendations potentially contained in the Taggant report. ATF initially planned to submit the report to Congress by the end of fiscal year 2001. IME had worked with ATF to ensure that the Bureau had the industry data required. Throughout the process ATF made efforts to keep us informed of the work on the study and preliminary findings. As late as August 2001, we were led to believe that ATF's research had concluded, as did contemporary assessments by the National Academy of Sciences, that identification taggants cannot be supported with current technology. However, following the events of September 11, 2001, ATF informed us that the report had been pulled back and its conclusions are being reassessed. As tragic and sobering as the events of September 11th are, it does not alter the fact that current technology

¹¹ 27 CFR 55.109(a).

¹² March 7, 2000 and August 2, 2000.

¹³ 67 FR 63862 (October 16, 2002).

¹⁴ Semiannual Agenda, 68 FR 73170 (December 22, 2003).

¹⁵ DOJ Fiscal Year 2005 Budget Summary, page ATF-A10.

¹⁶ While the President did not enact the law requiring these reports until January 23, 2004, ATF was aware of congressional intentions with regard to such reports as early as September 5, 2003. In view of the fact that the Bureau has been enforcing the SEA since May 2003, we would have thought that by September 2003 and certainly January 2004, ATF would have a clear idea of its implementation funding needs and priorities.

¹⁷ Public Law 104-132, Section 732.

does not support identification taggants. In the Subcommittee's oversight capacity, ATF should be asked about the release date of the 1996-mandated report and, after seven years of study, what if any of the reports recommendations have been changed due to the events of September 11th.

ATF has also from time to time, but we hoped annually, reported on arson and explosives incidents. IME uses this data to inform the industry and the public about these incidents, trends they may suggest, and lessons we may learn. However, ATF's last published version of this document is dated, reporting incidents occurring in 1997. A similar, though not identical, report is issued by the Federal Bureau of Investigation (FBI). Since ATF released its 1997 report, the FBI has released a 1998 and a 1999 bombing incident report. When IME last asked ATF about the anticipated release date of its report, we were told that it was being held up pending a reconciliation of data between the Bureau and the FBI. It begs the questions of whether the ATF report will continue in its current or a revised form now that the Bureau has been transferred to DOJ, home of the FBI, and the FBI has been, with more regularity, producing a type of explosives incident report.

The future of the ATF Arson and Explosives Incident Report is but a small example of overlaps and duplications that may exist between the Bureau and other law enforcement programs at DOJ, and provides a segway to a report we are all anxious to review. In the conference report to the fiscal year 2004 Consolidated Appropriations Act, Congress directed DOJ to submit with its fiscal year 2005 budget request "a proposal to better blend and eliminate duplication of explosives training and other law enforcement programs at the [DOJ]."¹⁸ In this regard, we note that the Administration's fiscal year 2005 budget request continues to carry forward language from earlier budget requests that "no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the [ATF] to other agencies or Departments in fiscal year 2005."¹⁹ This language appears to be at odds with any attempt to consolidate and streamline programs. Meanwhile, we are anxious to understand what, if any, recommendations in this report may impact how commercial explosives are overseen, regulated and enforced within DOJ, and once understanding these recommendations, reserving the opportunity to provide additional comment to the Subcommittee.

Conclusion

The manufacture and distribution of explosives is accomplished with a remarkable degree of safety. We recognize the important role played by ATF in helping our industry achieve and maintain safe and secure workplaces. Industry and the public trust that ATF has the resources to fulfill its regulatory responsibilities. We, therefore, strongly recommend full funding for ATF's explosives program.

PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Mr. Chairman, I, Garland Brunoe, Chairman of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby submit this testimony regarding the fiscal year 2005 appropriation for the U.S. Department of Justice. All of our fiscal year 2005 requests address programs in the Justice Department's Office of Justice Programs, and are summarized below: (1) Restore State and Local Law Enforcement Assistance funding for Indian tribes in the amount of \$15 million; (2) increase Tribal COPS funding by \$10 million to \$30 million; and (3) provide \$20 million for Tribal Juvenile Justice programs for fiscal year 2005.

Our requests are more fully discussed below.

Restore State and Local Law Enforcement Assistance funding for Indian tribes in the amount of \$15 million

The fiscal year 2005 Department of Justice budget proposes to completely eliminate funding for the State and Local Law Enforcement Assistance program, which in fiscal year 2004 included \$2 million for tribal jail construction, \$8 million for tribal courts, and \$5 million for tribal alcohol and substance abuse prevention and treatment programs. All of these programs are critical to public safety and stability on Indian reservations. Our own jail, designed and built by BIA, is out of compliance with federal standards and needs to be substantially remodeled or rebuilt. Tribal courts are a key link in tribal justice systems and essential to tribal sov-

¹⁸ Conf. Rept. 108-401, to accompany H.R. 2673 (Public Law 108-199).

¹⁹ DOJ Fiscal Year 2005 Budget Summary, page ATF-13.

ereignty, and this funding has been the only steady source of federal support, even as small as it has been, for our court systems. And alcohol and substance abuse plague our communities and significantly contribute to crime. Accordingly, we request that fiscal year 2005 funding for Indian tribes in the State and Local Law Enforcement Assistance program be restored to at least their fiscal year 2004 levels.

Increase Tribal COPS funding by \$10 million to \$30 million

Indian tribes face significant difficulties in providing law enforcement. Reservations are often rural and sparsely populated across great distances. Unemployment is often high and infrastructure inadequate. Many tribal economies are modest, and cannot on their own support much in the way of law enforcement. The Bureau of Indian Affairs law enforcement budget is also insufficient. As a result, crime, including violent crime, is often exceptionally high in Indian Country. Within the last ten years, alarming reports on reservation law enforcement and public safety prompted support increases within BIA law enforcement and also within the Department of Justice's Community Oriented Policing Systems programs. The COPS program is a vital component of law enforcement on many reservations, as demonstrated by its retention within the drastically cut-back fiscal year 2005 national COPS program. Accordingly, we request that the Tribal COPS program be increased to \$30 million for fiscal year 2005, an increase of \$5 million over fiscal year 2004 and \$10 million over the Administration's fiscal year 2005 request.

Provide \$20 million for Tribal Juvenile Justice programs for fiscal year 2005

The fiscal year 2005 Department of Justice budget proposes to completely eliminate funding for the Juvenile Justice Program, which in fiscal year 2004 included \$10 million for tribal youth. Tribal youth often must confront joblessness and poverty, which can lead to despair and delinquency. Today across the United States, Native American young people already are among the most troubled, and particular care and supervision are essential. A recent audit of Juvenile-related programs and services at Warm Springs revealed a dramatic lack of services and resources available to work with our troubled youth and correct delinquent behavior. Without assistance to address these problems, the already devastating circumstances for the young people in our communities will only accelerate. Accordingly, we request that the Tribal Youth funding in Juvenile Justice be doubled from its fiscal year 2004 amount of \$10 million to \$20 million.

Mr. Chairman, that concludes the Confederated Tribes of the Warm Springs Reservation's appropriations requests of your Subcommittee for fiscal year 2005. Thank you.

PREPARED STATEMENT OF THE ASIA FOUNDATION

Mr. Chairman: The Asia Foundation is grateful for the strong support of the Congress, including the appropriation of \$13 million for fiscal year 2004. Past committee report language has commended our grant making role in Asia and the Appropriations Committees have encouraged the Foundation to expand its programs in predominantly Muslim countries, including Afghanistan, Indonesia, Pakistan and Mindanao in the Philippines. Regrettably, the Administration decided to use their fiscal year 2004 requests as the baseline for their fiscal year 2005 requests. That resulted in a low fiscal year 2005 request for the Foundation. We respectfully urge the Committee to sustain its support for the vital work of the Foundation on behalf of U.S. interests in this uniquely complex region, particularly as we deepen our involvement in front line states, such as Afghanistan, Pakistan and Indonesia and India, a regional power of increasing importance to U.S. interests in South Asia. The Asia Foundation is requesting a modest increase to \$15 million, below the \$18 million authorized by the State Department authorization bill recently passed by the House.

An appropriation of \$15 million would allow The Asia Foundation to strengthen programs it has begun in recent years with Congressional encouragement, notably in the areas of protecting women and children against trafficking, promoting women's political and economic participation, strengthening Constitutional democracy and restoring a functioning educational system in Afghanistan, promoting tolerance in predominantly Muslim nations like Indonesia, protecting human rights, and strengthening civil society throughout the region.

We are cognizant of the fiscal year 2005 budgetary pressures on the Committee. However, any cut below the current funding level for the Foundation would curtail important work, in some cases, just as the program investments over the past few years have reached maturity, and positive results are attainable. The Asia Foundation is the only American organization with a distinctive history of fifty years of

presence and engagement in Asia, delivering concrete programs that address some of Asia's most pressing needs. Curtailment of Foundation programs in these key areas could wrongly signal to people in the region a loss of U.S. commitment to democratic governance, civil society and human rights in Asia.

OVERVIEW

The United States and Asia face new challenges, complicated by the war on terrorism and fragile democracies in Afghanistan, Indonesia, Pakistan, and even in Thailand and Korea. More than ever, we must support political stability and economic reform, and give attention to countries where recent events have complicated bilateral relations, specifically in countries that have been traditional allies of the United States, and in countries with predominantly Muslim populations. Challenges to governance in the newly democratic countries of Asia, including Thailand, the Philippines, Indonesia, and Korea, require different approaches than in countries struggling to attain democracy, peace and stability, such as Afghanistan, Nepal, and Pakistan. Continued political instability in Indonesia, lack of a peace settlement in the Southern Philippines, and the emergence of regional terrorist networks threaten regional stability. Human rights abuses, and impunity for perpetrators continue throughout the region. Even though women in Asia have made gains in many places, such as Cambodia, Thailand and Nepal, they are still subject to economic and political inequities. In the worse cases, they are victims of trafficking and abuse.

Working together with Asian organizations as a trusted partner through a network of 17 offices in Asia, The Asia Foundation is a nongovernmental, nonpartisan American asset combining local credibility, a nuanced understanding of the issues facing each country, and unparalleled access and relationships with government, nongovernmental groups, and the private sector. The Asia Foundation is a well recognized American organization, but its programs are grounded in Asia, helping to solve local problems in cooperation with Asian partners. The Foundation combines a long-term view of policy reform and development in Asia, and a rapid response capacity through grant making and expert staff to deliver short-term, high impact programs. In addition to the importance of these programs to the lives of people in Asia, the Foundation's efforts also make an important and tangible contribution to public diplomacy for the United States.

THE ASIA FOUNDATION'S MISSION

The Asia Foundation's core objectives are central to U.S. interests in the Asia-Pacific region:

- Democracy, human rights and the rule of law: developing and strengthening democratic institutions and encouraging an active, informed and responsible nongovernmental sector; advancing the rule of law; and building institutions to uphold and protect human rights;
- Open trade and investment: supporting trade, investment and economic reform at the regional and national levels;
- Women's political participation: encouraging women's participation in public life; protecting women's rights and supporting advocacy training; prevention of trafficking and supporting efforts to protect and provide shelter to victims;
- Peaceful and stable regional relations: promoting United States-Asian dialogue on security, regional economic cooperation, law and human rights.

The Foundation remains faithful to its grant-making role, steadily building institutions and strengthening Asian leadership. Foundation assistance supports training, technical assistance, and seed funding for new, local organizations, all aimed at promoting reform, building Asian capacity and strengthening United States-Asia relations. Foundation grantees can be found in every sector in Asia, leaders of government and industry and at the grassroots level, in an increasingly diverse civil society.

The Foundation provides necessary technical assistance, and grants that cover nuts and bolts necessities to support reform efforts. For example, in the case of the drafting of the Afghan Constitution, the Foundation provided expert advice on the drafting process, reference materials, equipment and administrative support costs for the Constitutional Commission, and later, the operational and logistical support for the Constitutional Loya Jirga (CLJ). The Asia Foundation was awarded a medal for its contribution at the closing ceremony of the Loya Jirga by President Karzai. Special Representative of the U.N. Secretary General for Afghanistan Brahimi stated at the end of the Constitutional Loya Jirga: "The Asia Foundation staff are the unsung heroes of the CLJ process. Without the creativity, intellectual insight and

flexibility of The Asia Foundation, much that has been accomplished would not have been done.”

PROGRAMS

The Asia Foundation makes over 800 grants per year. The Foundation also facilitates programs, provides technical assistance and leverages funding from public and private donors, to increase program impact and sustainability. With additional funding in fiscal year 2004, the Foundation's expanded activities include:

Human Rights, Conflict and Islam: in Indonesia, establishment of the International Center for Islam and Pluralism (ICIP) the only regional center for progressive Muslim scholarship and exchange in Southeast Asia; education reform in 1,000 schools including training on pluralism, human rights and civic education for 160 madrasa (day schools) teachers through the Center for Human Resources Development (PPSDM) at the State Islamic University; curriculum reform for 800 pesantren (boarding schools), part of the Foundation's education reform of 625 Islamic schools nationwide, with over 215,000 students; in Cambodia, Sri Lanka and Nepal, human rights education, monitoring, and documentation through new information technology networking; in Mindanao in the Philippines Local Peace Monitors for the cessation of hostilities agreement and madrasa education research for the first time in 15 years;

Civil Society: in Pakistan, public awareness and media campaigns promoting democracy, human rights and access to education for women and women's rights under the law, civil society development through capacity building and training; in Afghanistan, girls education and journalism training for women; in Cambodia, human rights and legal services; in Indonesia, promote pluralism, tolerance and moderation by mainstream Muslim organizations through public education, media through radio talk shows and education reform;

Women's Programs: regionwide, with particular emphasis on Indonesia, Cambodia, Thailand, Vietnam and Mongolia, anti-trafficking programs including prevention, services for victims, legal drafting and advocacy to support increased prosecutions; services and advocacy for women victims of domestic violence; in India, Pakistan, Bangladesh, Sri Lanka and Indonesia, Thailand, Malaysia and Mindanao projects to advance women's rights within an Islamic framework through analysis, public education and outreach; in Afghanistan and Cambodia, support for scholarships for girls' education;

Legal Reform: in Afghanistan, constitutional drafting technical assistance and operations and logistics for the Constitutional Loya Jirga in support of the UNAMA effort, technical support for the Constitutional Secretariat and logistics for the delegate selection process in Afghanistan; access to justice programs and public consultation in lawmaking in East Timor; legal aid services and legal education for migrant women workers in China; in Indonesia reform of the Supreme Court including civil society input into the reform process; in Nepal, mediation programs, legal reform within the courts, establishment of legal information systems and watchdog citizens' groups to raise awareness on corruption and official misconduct;

Economic Reform: In Indonesia, Vietnam, Nepal, Bangladesh, small and medium enterprise policy reform; in Korea, Japan, China, Mongolia and the Philippines, corporate governance reform and e-government efforts to counter corruption;

International Relations: In China, Vietnam and India, scholarships for young Ministry of Foreign Affairs leaders, study programs for Southeast Asian young leaders to the United States, and support for Track II programs on cross-straits relations and Council for Security Cooperation in the Asia Pacific (CSCAP).

CONCLUSION

As these examples of our work emphasize, The Asia Foundation is first and foremost a field based, grant-making organization. The Foundation has consistently received national recognition for its efficient grant-to-operating ratio, reflecting its commitment to maximizing program impact in Asia while keeping costs low. We are not a research organization or academic institution, nor are we Washington based. We operate on the ground in Asia as an accepted, trusted partner and supporter of Asian reform efforts that simultaneously support and reinforce American political, economic and security interests.

Public funding is essential to our mission. While the Foundation continues to expand its private funding, the flexibility and reliability that public funding lends to the Foundation's efforts are critical. As an organization committed to U.S. interests in Asia, we can only be successful if potential private donors understand that the U.S. government continues to support our efforts in the region. Furthermore, private funds are almost always tied to specific projects, as are USAID funds for which the

Foundation competes. These funds do not replace public funding, either in scale or flexibility. Moreover, the flexibility afforded by appropriated funds enables the Foundation to respond quickly to fast breaking developments and program opportunities. For example, we were the first American organization in Kabul to assist the Emergency Loya Jirga process, having re-opened our office in January 2002.

Now more than ever, the Foundation and its supporters believe that its most important asset is its field office network in Asia, enabling the Foundation to address critical development and reforms on the ground. Maintaining offices overseas costs more than maintaining operations within the United States and new demands to ensure adequate security have added to the cost. Today, we continue to face budgetary constraints. We must protect our staff, but at the same time, we are, as always, committed to ensuring the maximum possible amount of appropriated funds are dedicated to programs in Asia.

In closing, the Foundation has an opportunity and the obligation to demonstrate America's strong commitment to working with Asian leaders to assure the security, rights and well being of the people of Asia. The Asia Foundation's programs represent a distinctive and positive American response to the challenges facing Asia today, contributing to the development of stable societies and advancing the interests of the United States in the region. Additional funding would enable the Foundation to sustain and expand its efforts to meet these goals. Thank you.

PREPARED STATEMENT OF THE ASSOCIATION OF SMALL BUSINESS DEVELOPMENT
CENTERS

The Association of Small Business Development Centers (ASBDC) urges the Subcommittee to provide an appropriation of \$100 million for the U.S. Small Business Administration's Small Business Development Center (SBDC) grant program in the fiscal year 2005 Commerce-Justice-State appropriations bill. This is the funding level recommended by the Senate Budget Committee for federal SBDC grants in fiscal year 2005.

Small businesses are struggling. BusinessWeek Online points out that small businesses, which usually create most of the new jobs in the initial stages of an economic recovery, are increasingly going bankrupt and extinguishing jobs. America's SBDC network can help small businesses lead the nation's economic recovery and create new jobs—as well as generate the additional revenues needed to reduce the budget deficit. But we need the resources to do the job.

Based on its record during the past decade, with an appropriation of \$100 million our nation's SBDC network could help SBDC in-depth counseling clients to: create an estimated 88,846 new full time jobs; increase sales by an estimated \$7.1 billion; generate an estimated \$211 million in additional revenue for the federal government; and, create an estimated \$315 million in additional tax revenues for state governments.

Since fiscal year 2001, when Congress appropriated \$88 million for SBDC grants, the President's budget proposal has not called for an increase in funding for SBDC grants, despite the effects of inflation and a growing demand for SBDC services. As a result, federal funding for our nation's SBDC network has decreased in real terms since fiscal year 2001. The SBDCs in 24 states (including Kansas, Kentucky, Maryland, New Mexico, West Virginia and Wisconsin) are operating with less federal funding than they received in fiscal year 2002. The SBDCs in the fifteen least populated states (including Alaska, Hawaii, New Hampshire and Vermont) have not had an increase in federal funding since fiscal year 1998. This year, SBDC grantees will receive less federal funding than they received in fiscal year 2003, and OMB has crafted a budget for fiscal year 2005 that proposes to reduce SBDC grant funding even further.

There is room in the budget to provide a needed increase in funding for SBDC grants. The Senate Budget Committee has recommended that federal SBDC grants be funded in fiscal year 2005 at \$100 million. In addition, the Senate passed an amendment to increase the SBA's fiscal year 2005 budget by \$121 million, to fund increases in a range of programs including the SBDCs. Moreover, while the SBA's fiscal year 2005 Congressional Budget Request proposes to cut funding for SBDC grants, it calls for the total cost of the SBDC program to increase by nearly \$9 million—presumably for the SBA's expenses associated with administering the SBDC program. The ASBDC would respectfully suggest that any additional funding for the SBA to administer the SBDC program would be better spent on the delivery of counseling and training services to small businesses and aspiring entrepreneurs, by increasing funding for grants instead of administration.

The Association of Small Business Development Centers (ASBDC) represents the 63 State, Regional and Territorial SBDC programs comprising America's SBDC network. SBDC programs are located in all 50 states, the District of Columbia, Puerto Rico, The Virgin Islands, Guam and American Samoa. America's SBDC network is the most productive federal management and technical assistance program for small business. It is a unique partnership that includes Congress, the SBA and the private sector, as well as the colleges, universities and state governments that receive SBDC grants and manage the SBDC network.

Nationwide, SBDCs provided management and technical assistance to more than 1.3 million small business owners and aspiring entrepreneurs last year. In 2003, SBDC services included face-to-face counseling of an hour or more for 279,281 clients; 1.6 million total hours of counseling; 25,970 group training sessions; training of two hours or more for 408,254 clients; and more than two million total hours of training for small businesses and aspiring entrepreneurs.

The SBDC program was designed to create a lasting partnership among federal, state and local governments and institutions of higher learning, to disseminate the very best practical business management and technical knowledge to our nation's small business owners and aspiring entrepreneurs, and grow the American economy. The plan has worked remarkably well:

- SBDCs help create and save jobs. In the recession of 2001, as big businesses downsized, SBDC in-depth counseling for small businesses generated 46,688 new full time jobs and helped save an additional 34,215 jobs.
- SBDC counseling clients create more jobs than average businesses. Businesses that received in-depth SBDC counseling experienced 10 times the job growth of average businesses (8.4 percent compared to 0.8 percent for U.S. businesses in general in 2001).
- SBDCs help small businesses increase sales. SBDC in-depth counseling helped small businesses generate \$3.9 billion in new sales and save \$4.3 billion in sales in 2001.
- SBDC clients' sales grow faster than other businesses' sales. Established businesses that received in-depth SBDC counseling experienced sales growth of 12.1 percent in 2001—compared to 3.1 percent for businesses in general.
- SBDC clients create new businesses. 50 percent of pre-venture SBDC in-depth counseling clients start businesses within one year of receiving assistance. In 2001, SBDC in-depth counseling clients started 12,872 new businesses.
- SBDC clients make investments in our economy. SBDCs helped small businesses obtain an estimated \$2.7 billion in financing in 2001. Every dollar spent on the SBDC network helped small businesses invest \$15.89 in capital.

Outstanding institutions of higher education such as the University of New Hampshire, the University of Alaska Anchorage, Santa Fe Community College, the University of Kentucky, the University of Houston, the Dallas County Community College District, Texas Tech University, the University of Texas at San Antonio, Fort Hays State University (Kansas), the University of South Carolina-Columbia, the University of Hawaii at Hilo, the University of Maryland, the Vermont State Colleges, the University of Wisconsin-Extension and Washington State University, to name a few, are among the hosts of the SBDC program. Many host institutions house the great business schools and entrepreneurial programs in our nation, such as the Wharton School, the Kenan-Flagler School of Business, the Robert H. Smith School of Business, the Isenberg School of Management and the Terry College of Business. SBDC hosts also include state governments such as the State of Colorado and the West Virginia Development Office. These state governments, like the institutions of higher learning that host SBDC programs, bring to the SBDCs resources, relationships and unparalleled leadership in their respective states.

Among the management and technical assistance services they provide, SBDCs provide services in several areas that are of particular concern to small businesses, and to members of the Subcommittee, including export assistance, procurement and manufacturing.

Many SBDCs host specialized International Trade Centers, where small business owners and aspiring entrepreneurs receive individualized, in-depth counseling and specialized training from experts in international trade and export expansion. And because the SBDC International Trade Centers are part of the larger SBDC network, small businesses and aspiring entrepreneurs that seek international trade assistance can also access the many other types of assistance—from marketing to research—that they need to make their export businesses succeed. In 2003, SBDCs trained 8,592 small business owners and aspiring entrepreneurs in international trade, and provided counseling on international trade matters to 9,378 clients.

SBDCs offer assistance with government procurement and are often co-located with Procurement and Technical Assistance Centers (PTACs). Services include help

with registrations, identifying solicitations and special programs, preparing certification documents and bids, submitting applications, contract administration and contract close-outs. In 2003, SBDCs provided government procurement counseling to 12,784 clients.

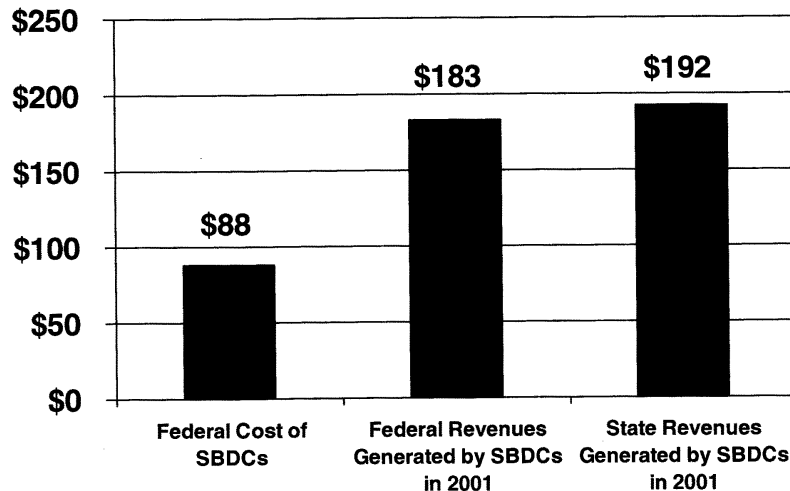
America's SBDC network is also responding to the need for management and technical assistance among small manufacturers. Ninety-five percent of American manufacturers are small and medium-size businesses, employing half of all manufacturing workers in the United States, and many of them rely on their local SBDCs for assistance. In 2003, SBDCs provided manufacturing counseling to 22,267 clients.

SBDCs serve women, minorities and America's veterans. In 2003, 37 percent of SBDC counseling clients nationwide were women, 35 percent were minorities and 10.4 percent were veterans. Forty-five percent of SBDC training clients were women, 25 percent were minorities and 8.2 percent were veterans.

SBA statistics for the SBDC program show that SBDC counseling cases and training attendees combined increased from 650,000 to 685,000 between fiscal year 2002 and fiscal year 2003. Counseling hours increased from 1.47 million to nearly 1.57 million. Training attendees increased from 384,000 to 408,000. Training hours increased from 1.58 million to 2.08 million. These figures clearly demonstrate that America's small business owners know they need help and are increasingly seeking it from the SBDC network. However, there is a limit to the increases in services that the SBDC network can provide with flat, or declining, federal funding.

FEDERAL COST vs. REVENUE GENERATED BY SBDCs

(in millions)



Finally, SBDCs have a positive revenue impact on the federal budget. The President's fiscal year 2004 Budget pointed out that an independent evaluation of the SBDC program indicated that each \$1 spent on SBDC counseling resulted in \$2.78 in tax revenues. The federal SBDC budget of \$88 million generated an estimated \$182.9 million in federal revenue in 2001. SBDCs also leverage federal, state, local and private resources. For an SBDC to receive federal funding, it must first raise an equal amount of funding from non-federal sources. The SBDCs raise a minimum of \$88 million a year in non-federal resources to serve small business owners and aspiring entrepreneurs.

The ASBDC appreciates the Subcommittee's consideration of the Association's views. We urge the Subcommittee to provide an appropriation of \$100 million for the SBDC grant program in the fiscal year 2005 Commerce-Justice-State appropriations bill, as recommended by the Senate Budget Committee.

PREPARED STATEMENT OF THE DORIS DAY ANIMAL LEAGUE

Mr. Chairman and members of the Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, thank you for the opportunity to submit testimony on behalf of the 350,000 members and supporters of the Doris Day Animal League in support of our request that the Federal Bureau of Investigation assign the crime of animal cruelty its own classification in the agency's crime data reporting system.

Law enforcement agencies already collect and submit data on animal cruelty crimes, but those data are combined with other crimes in a miscellaneous category where it is irretrievable and therefore useless. Local law enforcement agencies and many others want this information to help them better understand and respond to animal abuse and other offenses. To minimize the cost of making this change, we are suggesting that this category be added only as reporting agencies switch from the original Uniform Crime Reporting Program (UCR) to the current National Incident-Based Reporting System (NIBRS, currently used by only 18 percent of reporting agencies) or to the new system (the "national indices initiative") the FBI has just started to develop. Thus, we estimate the cost to the FBI to add this category to NIBRS would be minimal (less than \$90,000, based on a comparable FBI estimate) to modify materials and computer programs, with no additional costs to local agencies beyond the costs they would incur anyway in the changeover. There would, of course, be no incremental costs at all associated with including this category from the start in the new reporting system. Since the FBI has already started updating its crime data reporting system, this is the perfect opportunity to ensure that this serious category of crimes is handled in a way that makes the data usable.

The Significance of Animal Cruelty as a Crime: "The Violence Connection"

Animal cruelty was once viewed as an offensive behavior unrelated to other crimes. Now it is recognized as a serious crime with important implications for human society. A growing body of research, produced over the last 30 years, establishes a clear link between animal abuse and human violence. One comprehensive study of data from a 20-year period found that adults convicted of animal cruelty were more likely than their peers to engage in other forms of criminal activities, including violent crimes against humans, property crimes, and drug and disorderly offenses. In addition to the association between animal cruelty and criminal behavior, there is also evidence that the severity of violence against animals can indicate the degree of aggressiveness toward humans. Research on incarcerated adult males found that the most aggressive inmates had the most violent histories of animal cruelty. It is worth noting that in dangerous situations such as a hostage-taking, the FBI has included a history of animal cruelty among the factors used to determine an individual's threat level.

Another important link with serious policy implications is the co-occurrence of family violence and animal abuse. In interview studies with domestic violence victims, between 54 and 71 percent of the women report that their partners also harmed or killed the family pet. Child abuse and animal abuse also are linked: animal abuse was confirmed in 88 percent of families being supervised by a child welfare agency for physically abusing their children.

In addition to being linked to other types of criminal activity and family violence, animal abuse by children signals an important warning. In fact, the FBI was one of the first to recognize the significance of juvenile animal cruelty when it reported that many serial killers had abused animals as children. It also has been reported that many of the school shooters in the late 1990s had engaged in various forms of animal cruelty.

The National Crime Prevention Council, the Department of Education, and the American Psychological Association all list animal cruelty as one of the warning signs for at-risk youth. Furthermore, researchers agree that persistent aggressive behavior in childhood, termed "conduct disorder," tends to be a fairly stable trait throughout life and is the single best predictor of later criminal behavior. Animal cruelty is one of the symptoms for a diagnosis of conduct disorder and therefore can be one of the earliest indicators that a child is at risk.

Not all children who abuse animals will become serial killers, school shooters, or criminals as adults. However, research clearly suggests that engaging in childhood animal cruelty conditions an individual to accept, or engage in, interpersonal violence as an adult.

Responses to "The Violence Connection"

Government agencies, professional organizations, and communities have responded to the growing body of evidence of the animal abuse-human violence connection. For example, before 1990, only seven states had felony provisions in their

animal anticruelty statutes; that number is now 41 states and the District of Columbia. As of this date, 24 state animal anticruelty statutes permit or mandate psychological counseling for offenders.

In addition to these changes in state cruelty laws, awareness of the significance of animal abuse as a crime has resulted in the development of a number of initiatives. "Safe Pet" programs, which provide safekeeping for the pets of domestic violence victims so that they feel free to leave dangerous situations, are being instituted in communities throughout the United States. Animal control officers are being trained to "cross report," that is, to look for signs of child and spousal abuse when investigating an animal abuse or neglect complaint; likewise, social workers are taught to report animal abuse. Intervention strategies for children and adults who abuse animals have been developed and mental health professionals are being trained in this area of treatment.

Modifying the Categories of the FBI's Crime Data Reporting Program

The FBI's crime data reporting program is a nationwide effort that collects crime statistics from nearly 17,000 local and state law enforcement agencies. During 2000, the participating agencies represented 94 percent of the U.S. population. Reported crimes vary from criminal homicide in Part I to curfew and loitering under Part II. Law enforcement, criminologists, legislators, sociologists, municipal planners, the media, and others interested in criminal justice use the statistics for research and planning purposes. However, under the current system, there is no separate category for reporting crimes of animal cruelty, and thus no way to use those data, even though animal abuse often is an indicator of other types of criminal behavior, including family violence.

Assigning the crime of animal cruelty to its own classification would have a number of advantages. Its inclusion in NIBRS would allow precise identification of "... when and where crime takes place, what form it takes, and the characteristics of its victims and perpetrators." (National Incident-Based Reporting System, p. 2, U.S. Department of Justice, August 2000). Law enforcement agencies, researchers, policy planners, and others would be better able to understand the factors associated with animal abuse, track trends at the state and national levels, and determine the demographic characteristics associated with animal abuse—which is useful in developing more effective intervention and prevention strategies to interrupt the cycle of violence.

Designating a separate category for animal cruelty crimes in the national indices initiative now being developed would add considerably more data analysis capabilities: "... variables such as felony animal abuse arrests could be linked with a vast array of other statistics to develop useful demographic information." (Letter from Michael D. Kirkpatrick, FBI, Sept. 30, 2003). The expanded databases of the new system would enable law enforcement agencies to identify and track individuals with histories of violence.

Categorize Under "Crime Against Society"

Animal cruelty is most appropriately categorized as a "crime against society." Like other crimes in this category (which include family offenses, as well as gambling, drugs, and pornography), animal cruelty offenses threaten the general order of society. Animal abusers have often committed violent crimes against persons and been arrested for property crimes, disorderly conduct, and substance abuse. Most significantly, animal abuse is highly correlated with child, spousal, and elder abuse; and juvenile animal cruelty is a leading indicator of the development of aggressive behavioral disorders, which are predictive of future violence. Although animals are often considered "property" under some laws, classification as a "crime against property" is not appropriate because the nature of animal abuse is qualitatively different from property crimes. It involves neglect or violence toward a sentient being, often leading to serious injury or death; it frequently involves an intimate relationship, as in family violence; and it is associated with other crimes.

Proposed Report Language for the Senate Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies

We respectfully request that the Subcommittee include the following language in the Commerce, Justice, State, Judiciary and Related Agencies Appropriations bill report:

"The Committee directs the FBI to provide the necessary resources to assign the crime of animal cruelty, defined as the violation of laws or ordinances that prohibit cruelty to animals, its own classification under the category 'Crime Against Society' in the agency's current or any future crime reporting data collection system by adding this category to its software and other reporting mechanisms. The Committee

expects the FBI to establish this classification as quickly as possible so that state and local law enforcement agencies will be able to plan for its inclusion as they upgrade to the National Incident-Based Reporting System, the upcoming national indices system, or any future system.

"This will enable law enforcement agencies and researchers to track crime rates, better understand the factors associated with animal abuse and the characteristics of perpetrators, and identify with precision when and where the crimes take place, thus facilitating more effective interventions. Eventually, the capabilities envisioned for the new National Indices Initiative now in development will allow animal cruelty to be linked to other crimes, such as domestic violence, child abuse, and other violence directed at humans.

"The Committee further directs the FBI to report to the Committee by March 2005 on the integration of this category into its crime data reporting program."

PREPARED STATEMENT OF THE ALLIANCE FOR INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

As Chair of the Board of the Alliance for International Educational and Cultural Exchange, I appreciate the opportunity to submit testimony in support of an overall appropriation of \$400 million for the educational and cultural exchange programs administered by the Department of State's Bureau of Educational and Cultural Affairs (ECA) in fiscal year 2005. This level of spending will allow robust funding for ECA's core exchange programs, restore funding to the former Soviet Union and Eastern Europe through the FSA/SEED programs, and provide funding for an Islamic Exchange Initiative.

The Alliance is the leading policy voice of the U.S. exchange community, and has worked closely with the Subcommittee on exchange issues. We note with gratitude the Subcommittee's role in increasing exchange appropriations in recent years, and its consistent support for exchanges.

The Alliance comprises 65 nongovernmental organizations, with nearly 8,000 staff and 1.25 million volunteers throughout the United States. Through its members, the Alliance supports the international interests of 3,300 American institutions of higher education.

By engaging a very broad array of American individuals and institutions in the conduct of our foreign affairs, exchange programs build both enhanced understanding and a web of productive contacts between Americans and the rest of the world.

Despite widespread support for exchanges in Congress, this account still lags well behind its historic levels in constant dollars due both to the deep cuts of the mid-nineties and to the significant reductions in fiscal year 2004 funding. Coupled with the increases in fixed program costs such as airfare and accommodation, reduced appropriations have resulted in significantly diminished participant levels in programs consistently cited by our embassies as one of their most effective means of advancing U.S. policy interests.

The incorporation of funding for programs provided for under the Freedom Support Act (FSA) and Support for East European Democracy Act (SEED) into the ECA budget in the fiscal year 2004 budget cycle, at a substantially lower level than previously allocated, has resulted in a significant reduction in funding for those programs.

As our experiences since September 11, 2001, demonstrate clearly, we need public diplomacy and exchanges more now than ever. We need to build trust and understanding for our people and our policy goals not just in the Muslim world—an effort that is of critical importance—but around the globe. To win the war on terrorism and to rebuild Iraq, we will need the help of our friends and allies in every region of the world. This is a time to intensify and expand our public diplomacy, and we believe there is strong bipartisan support in Congress to do exactly that.

We therefore urge the Subcommittee to fund the Department of State's exchange budget at \$400 million in fiscal year 2005. This amount would provide for targeted, meaningful growth in every region of the world in support of our most important foreign policy objectives.

Core exchange programs

An appropriation of \$400 million would allow for meaningful growth in the Department of State's traditional exchange programs, programs that remain at the core of our efforts to build mutual understanding and respect between the United States and critical nations around the world. These well-established programs—Fulbright and other academic programs, International Visitor, and citizen exchanges—

continue to demonstrate their relevance and effectiveness as changing threats, challenges, and opportunities present themselves in a rapidly evolving world.

Among State's academic exchange programs, the Fulbright Program continues to demonstrate its unique value in deepening mutual understanding between the United States and 140 partner governments. A record 5,700 U.S. students and young professionals applied for Fulbright grants in 2003, demonstrating the desire of U.S. citizens and communities to be internationally engaged.

Fulbright exchange programs in Iraq and Afghanistan were revived in 2003, bringing young leaders to study in U.S. graduate programs in fields critical to the development of those societies. Other program changes include: the cutting-edge research conducted by New Century Scholars, which provides deep focus on a single global problem by leading scholars from around the world; the Islamic Civilization Initiative that incorporates outreach activities upon the American student's return to the United States to increase knowledge of the Muslim world on the campus and in local communities; and a conflict resolution initiative for young leaders from the Middle East, South Asia, and the Great Lakes region of Africa.

Other critical academic exchange programs include the Educational Partnerships Program, which fosters substantive, ongoing relationships between American universities and their counterparts in high priority countries; the Humphrey Fellowships Program, which provides powerful academic and professional training experiences for professionals in the developing world; Overseas Educational Advising, through which prospective foreign students receive reliable information about American higher education and professional assistance in the application process; the Gilman Fellowship Program, which enables American students with financial need to study abroad; and English teaching and U.S. Studies programs, designed to enhance understanding of American society and values.

The International Visitor program continues to be ranked by many U.S. ambassadors as their most effective program tool. This results-oriented program allows our embassies to address directly their highest priority objectives by bringing emerging foreign leaders to the United States for intensive, short-term visits with their professional counterparts. The program also exposes visitors to American society and values in homes and other informal settings. An increase in funding for the International Visitor program would allow the program to make an even greater impact on such key issues as regional security in Northeast Asia, counter-terrorism, international trade, and global health.

Citizen exchanges continue to engage American citizens across the United States in productive international activities. In addition, these programs leverage their relatively modest federal dollars into significantly more funding through the participation of local communities, schools, businesses, and nongovernmental organizations. Increased funding for citizen exchanges would permit an expansion of these highly cost-effective activities, particularly in the critical area of capacity building in communities across the United States. To be globally competitive, American communities must be globally engaged, and this enhanced capacity will allow for more extensive connections and impact in support of U.S. interests in high priority countries around the world.

Exchanges with the countries of the former Soviet Union and Central Europe

As noted above, funding for exchange programs authorized by the FSA and SEED Acts was shifted to the CJS bill for the first time last year. The transfer has resulted in dramatic cuts for these programs, estimated to exceed 50 percent from previous levels.

Exchanges under FSA and SEED provide opportunities to expose future leaders to American civil society and values, and foster personal and professional relationships between Americans and citizens of these developing regions. We must continue this engagement with future leaders of these important nations that are still emerging from decades of totalitarian leadership. The recent election of Georgian President Mikheil Saakashvili is a testament to the value of these programs. Saakashvili benefited from a Muskie/FSA Graduate Fellowship, earning an LL.M. degree from Columbia University in 1994. He also participated in a 1999 International Visitor exchange on "Judicial Reform." Members of Saakashvili's cabinet are also alumni of U.S.-funded exchanges; for example, Irakli Rekhviashvili, a participant in the Eurasian Undergraduate Student Exchange Program, was recently appointed the Georgian Minister of Economy.

While obstacles to exchange remain, interest in exchanges in the region continues to grow. In recent years, professional and collegiate-level programs with these countries have attracted many more applicants than the programs can sustain. The Contemporary Issues Fellowship Program, targeting influential policymakers and mid-level professionals, receives nearly 1,300 applicants for 100 scholarships. The Future

Leaders Exchange Program (FLEX) for high school students receives more than 50,000 applications for 1,300 slots.

We hope the Subcommittee will agree that a reduction in these programs is unwise in a region of the world of such strategic importance to the United States. This is particularly true when one considers the effectiveness and impact of these exchange programs.

Islamic Exchange Initiative—Building Cultural Bridges

While the need for increased funding is worldwide, increased exchanges with the Islamic world are particularly critical as we pursue the war on terrorism. To defeat terrorism, the United States will need more than the might and skill of our armed forces. To ultimately defeat terrorism, we must also engage the Muslim world in the realm of ideas, values, and beliefs.

Changing minds—or merely opening them—is a long, painstaking process. There are no quick fixes. If we are to win the war on terrorism, there will be no avoiding the need to build bridges between the American people and the people of the Muslim world. We must begin this process now.

In the Islamic world, we envision this initiative engaging the full range of programs and activities managed by ECA: Fulbright and Humphrey exchanges that will stimulate broader cultural understanding, joint research and teaching, and foster positive relationships with a new generation of leaders; the Partnerships for Learning Undergraduate Studies Program (PLUS), that allows undergraduates from the Islamic world to complete their B.A. degrees at U.S. universities; university affiliations targeted toward key fields such as mass media and economic development; International Visitor and other citizen exchange programs designed to bring emerging leaders into significant and direct contact with their professional counterparts and the daily substance of American life; youth and teacher exchanges and enhanced English teaching programs, all designed to bring larger numbers of young people a direct and accurate picture of our society, based on personal experience rather than vicious stereotyping.

Increasing the State Department's exchanges with the Islamic world will give us the means to develop productive, positive relationships. This initiative will engage the American public—in our communities, schools, and universities—in an effort to project American values. We will find no better or more convincing representatives of our way of life.

And the engagement of the American public will leverage significant additional resources to support this effort.

We commend the Subcommittee for funds made available in the fiscal year 2002 supplemental for Islamic exchanges. The \$10 million appropriated by this Subcommittee has been put to good use by the Department of State in key programs such as Fulbright, International Visitors, and English teaching.

Strengthening exchanges with the Islamic world has strong bipartisan support, evidenced by legislation sponsored in the 107th Congress by Senators Edward Kennedy and Richard Lugar, and Representatives Henry Hyde and Tom Lantos. These bills led to \$20 million in appropriations funding, some of which was used to fund what would become the Youth Exchange and Study Program (YES). YES has brought approximately 138 Muslim high school students to the United States for the 2003–2004 school year, and will bring an additional 365 students next year. To build on the YES program's very successful beginning, the program requires a sustained funding commitment.

Conclusion

We recognize that a meaningful and effective Islamic exchange initiative, restored funding for the FSA and SEED programs, and sufficient funding for robust traditional exchange programs will require a significant increase in the State Department exchanges budget. We believe that a \$400 million funding level is necessary and appropriate given the importance of the tasks at hand.

The U.S. exchange community stands ready to assist you in these efforts, and is grateful for your support.

PREPARED STATEMENT OF SISTER CITIES INTERNATIONAL

On behalf of the 700 U.S. cities partnered with more than 1,700 international cities in 122 countries, I want to thank the subcommittee for its continued support of international educational, cultural and development exchanges that continue to impact U.S. foreign policy goals throughout the world. Sister Cities International is a nonprofit, citizen diplomacy network that creates and strengthens partnerships between U.S. and international communities at the local level. Sister Cities Inter-

national works to promote sustainable development, youth involvement, cultural understanding, and humanitarian assistance through citizen diplomacy. Citizen diplomacy is a peaceful way to promote American foreign policy by establishing links between people within the international community. Sister Cities International works to create citizen-to-citizen connections by promoting peace through mutual respect, understanding, and cooperation at the local, county and state level. I urge you to promote the ideals of citizen diplomacy by carefully considering the critical legislation currently before the subcommittee.

In the two years since September 11, 2001, the need to eliminate global terror and institute avenues of intercultural understanding has grown. Today, citizen diplomacy programs hold the highest incentive for governments who are interested in establishing goodwill between states. International education and exchange programs are critical elements in the conduct of U.S. foreign policy and advance national security. The United States must make deliberate efforts to forge sustainable, mutually cooperative relationships between the United States and the Islamic world in order to rebuild global security. Sister Cities International is well positioned to play an integral role by supporting long-term community partnerships through reciprocal exchange programs.

We believe that the Department of State, through the support and encouragement of the subcommittee and Congress, should be strategically investing in two key areas of international exchange: support for long-term, ongoing programs such as Fulbright and the International Visitors Program and building the capacity of public-private partnerships like Sister Cities International. An investment in the capacity of organizations like Sister Cities International makes good fiscal sense, given the fact that Sister Cities International leverages significant non-federal, community-based resources in support of international exchange with the small amount of federal dollars we receive every year. Nevertheless, from 1995–2001, core funding from the Department of State's Bureau of Educational and Cultural Affairs (ECA) declined dramatically, reducing our efforts to reach out to many regions of the world. Without additional core resources, Sister Cities International will find it increasingly difficult to expand the number of partnerships between U.S. and international communities and promote active citizen involvement in international affairs.

Annually, 6,750 to 13,300 citizen exchanges occur between sister city programs. With a federal investment of \$370,440, each exchange costs the U.S. government approximately \$25 to \$50. Moving into our 48th year as a leader in the citizen diplomacy arena, Sister Cities International pledged in 2002 to double the number of partnerships in underserved regions of the world over the next five years. New partnerships will be established in the Middle East, Africa, Eurasia, Latin America, and the Caribbean. However, this new endeavor can only be accomplished with increased core grant support. Therefore, Sister Cities International is working with key Congressional supporters on our first initiative to increase our core grant by \$164,000 to \$534,000 for fiscal year 2005.

An increase in Sister Cities International's core grant of \$164,000 will specifically lead to the following results:

- Expansion the Sister Cities International network by 100 partnerships a year over three years.
- An increase in the number of exchanges conducted under the Sister Cities International umbrella by 3,000 over the three-year period at a cost to the federal government of \$55 per exchange.
- Expansion of the network in underserved regions of the world, focusing on Islamic countries, Africa, Central and Eastern Europe, and Eurasia.
- More capacity for local sister city partnerships to undertake exchange programs focused on economic development, youth and education, women in leadership, sustainable development, and humanitarian assistance.

The second initiative seeks to alleviate the tension between the United States and the Islamic World is the "U.S.-Islamic Sister City Partnership Program." Currently, there are 62 United States-Islamic partnerships and with Congress' support, we hope to expand the number of United States-Islamic partnerships by 38 to 100 over the next two years. Through "Islamic Friendship Grants," new and existing partnerships would receive \$25,000 each to develop humanitarian assistance, international exchange, and community and economic development programs in the region. Each "Islamic Friendship Grant" will be leveraged at least one-to-one, bringing in an additional \$25,000 in non-federal resources to each partnership, for an additional investment of \$5 million. For this particular initiative, we are asking for \$2.75 million through the expansion of the Islamic Exchange Initiative funded by Congress in the fiscal year 2002 Supplemental Appropriations.

I want to thank the members of the subcommittee for their leadership and consideration of this important matter. Given the growing global challenges in which U.S. diplomacy is called upon to protect American national interests and security, now, more than ever, it is important to fully fund the International Affairs budget. Although the 150 account only reflects approximately one percent of the total federal budget, notwithstanding increases for the Millennium Challenge Account (MCA), HIV/AIDS, and illicit drugs, 58 percent of core mainline programs receive flat or decreased funding. Support for the 150 Account is crucial for improving America's image abroad and protecting our interests at home. I ask you to support the Presidential requests for funding for the 150 Account and our requests to increase funding for Sister Cities International.

Sister city and other international exchange programs are time-tested and uniquely cost effective. They help ensure a prosperous future for the United States and a more democratic world. Americans who participate in citizen diplomacy programs experience a profound change in the way they think about the world, leading to greater understanding, mutual respect and cooperation around the complex issues affecting our global community. This is the vision that drove President Dwight D. Eisenhower to establish our organization in 1956 and it remains the vision today by which we hope to promote peace—one individual, one community at a time.

PREPARED STATEMENT OF FLORIDA STATE UNIVERSITY

I am writing to tell you about two projects Florida State University is pursuing through the Department of Justice. The first is a Juvenile Justice Education Program Model Study. The request is for \$2.5 million through the Juvenile Justice Programs Office, Part C. The second deals with Extreme Security for the Critical Infrastructure. The funding level is \$2.5 million and is being requested through the Byrne Discretionary Grant Program.

Mr. Chairman, I would like to thank you and the Members of the Subcommittee for this opportunity to present testimony before this Committee. I would like to take a moment to briefly acquaint you with Florida State University.

Located in Tallahassee, Florida's capitol, FSU is a comprehensive Research I university with a rapidly growing research base. The University serves as a center for advanced graduate and professional studies, exemplary research, and top quality undergraduate programs. Faculty members at FSU maintain a strong commitment to quality in teaching, to performance of research and creative activities and have a strong commitment to public service. Among the current or former faculty are numerous recipients of national and international honors including Nobel laureates, Pulitzer Prize winners, and several members of the National Academy of Sciences. Our scientists and engineers do excellent research, have strong interdisciplinary interests, and often work closely with industrial partners in the commercialization of the results of their research. Florida State University had over \$162 million this past year in research awards.

FSU recently initiated a new medical school, the first in the United States in over two decades. Our emphasis is on training students to become primary care physicians, with a particular focus on geriatric medicine—consistent with the demographics of our state.

Florida State University attracts students from every county in Florida, every state in the nation, and more than 100 foreign countries. The University is committed to high admission standards that ensure quality in its student body, which currently includes some 345 National Merit and National Achievement Scholars, as well as students with superior creative talent. We consistently rank in the top 25 among U.S. colleges and universities in attracting National Merit Scholars to our campus.

At Florida State University, we are very proud of our successes as well as our emerging reputation as one of the nation's top public research universities.

Mr. Chairman, let me tell you about a two projects we are pursuing this year through the Department of Justice. The first project is a Juvenile Justice Education Program Model Study.

In 1996, the U.S. Department of Justice reported that the cost of criminal victimization in this country is \$450 billion a year. Given that delinquent youth constitute a major part of the crime problem, such promising methods of crime reduction as providing delinquent youth high quality education that can serve as a positive turning point in their delinquent to adult crime life course should be vigorously pursued. This is the intent of the 2001 No Child Left Behind Act which mandates the receipt of "best education" services for the country's incarcerated delinquent youth to ensure

their successful community reintegration following release from juvenile justice institutions.

The USDOE as well as the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention and the American Correctional Association have recognized Florida's system of juvenile justice education as an exemplary state system. This recognition reflects Florida's commitment to accountability and its implementation of an approach to the identification and validation of best practices in juvenile justice education. In 1998, to fulfill this commitment, the Florida Department of Education awarded funding for the Juvenile Justice Educational Enhancement Program (JJEEP) to FSU's School of Criminology and Criminal Justice. During the subsequent years of JJEEP's operations, Florida's system of best practices and accountability have become recognized as a model for providing juvenile justice youth quality and accountable education services that embodies the major components of NCLB.

During JJEEP's early years of implementing both best practices and an accountability system for Florida's juvenile justice education system, a number of implementation impediments were experienced and ultimately overcome. JJEEP's experiences in overcoming these implementation impediments should not be repeated but rather used to benefit other states as they attempt to successfully implement NCLB. Most importantly, JJEEP has conclusively documented that the receipt of best education practices as envisioned in NCLB well-served numerous Florida juvenile justice youth as they exited juvenile justice institutions and reentered their communities. With the successful nationwide implementation of NCLB, every juvenile justice student, regardless of state residence, will be able to receive accountable juvenile justice education best practices that increase the likelihood of their successful community reintegration and thereby reduce the incidence of crime, criminal victimization and associated costs.

This project's methodology will be centered upon the development and maintenance of effective working partnerships in each state between those responsible for juvenile justice education, the national project staff, and USDOE. These partnerships will involve collaboration throughout all phases of the project to ensure consensus and appropriate implementation of the NCLB requirements. Following the initial assessment of each state's juvenile justice education system, the findings will be compared to Florida's system and experiences and the requirements of NCLB to develop each state's NCLB implementation plan. Moreover, and throughout the process, ongoing training, technical assistance, and evaluation will be provided to ensure successful implementation of the NCLB requirements in each state's juvenile justice education systems.

We believe this is an outstanding program and will reap very positive outcomes for Florida and the Nation.

The second project we are pursuing deals with Cybersecurity. The Cybersecurity Research Institute of Florida (CRIF) at Florida State University is seeking funding to support the implementation of extreme security through the development of a new model of a cybersecurity management infrastructure. Extreme security refers to protection against a previously unanticipated attack on cyberinfrastructure. The work will focus on the protection of the cybersecurity component of this critical infrastructure. The critical infrastructure can be identified as elements of the national/international infrastructure such as the national power or water system, the international telecommunication system, and the international banking system.

CRIF is in a unique position to research and develop a cybersecurity protection model and management infrastructure through its links with: the Florida Cybersecurity Institute (FCI) which was recently established as a cooperative effort of Florida State University, the Florida Department of Law Enforcement, and the National White Collar Crime Center to conduct research and education activities in the areas of cybercrime; and the Security and Assurance in Information Technology Laboratory (SAIT) at Florida State University which was established in 1999 to promote research, education, and outreach.

The Florida State University (FSU) has been designated as a Center of Academic Excellence in Information Assurance Education by the National Security Agency. Some of the world's top researchers in cryptography, information security, and infrastructure protection work in the Computer Science Department at FSU. Coupled with the relationships and contacts of the FCI founding partners in academia, government, and industry, CRIF is particularly capable of developing and implementing a comprehensive model for extreme cybersecurity.

Our cybersecurity management model addresses such issues as cost of the system, the implementability of the model in the critical infrastructure, and definition of new risk models that focus on the types of extreme attacks previously discussed.

Our goal is the survivability of the cybersecurity critical infrastructure under extreme conditions.

CRIF will conduct research related to the development of the cybersecurity management model, and then implement it in one of the critical infrastructure environments—the banking system in the state of Florida. The banking system in Florida is a particularly important system as Florida is one of the states with the largest number of small businesses. These small businesses are notorious for not having technical assistance that larger companies use for cyberinfrastructure protection. If the banking system is disrupted for these small businesses, many would fail, having an incredibly negative effect on lives, livelihoods, and the State's short- and longer-term economy. This work will provide proof of concept of our approach to assist in protecting the cyberinfrastructure of the banking industry in Florida. We will develop a range of extreme security levels, based on costs and capabilities that can be incrementally implemented by the various critical infrastructure groups. Lessons learned could be transferred nationally.

Mr. Chairman, these are just a couple of the many exciting activities going on at Florida State University that will make important contributions to solving some key concerns our nation faces today. Your support would be appreciated, and, again, thank you for an opportunity to present these views for your consideration.

PREPARED STATEMENT OF THE CALIFORNIA INDUSTRY AND GOVERNMENT CENTRAL
CALIFORNIA OZONE STUDY (CCOS) COALITION

Mr. Chairman and Members of the Subcommittee: On behalf of the California Industry and Government Central California Ozone Study (CCOS) Coalition, we are pleased to submit this statement for the record in support of our fiscal year 2005 funding request of \$500,000 from the National Oceanic and Atmospheric Administration (NOAA) for CCOS as part of a Federal match for the \$9.4 million already contributed by California State and local agencies and the private sector. We greatly appreciate your past support for this study (\$500,000 in fiscal year 2001, \$250,000 in fiscal year 2002, and \$250,000 in fiscal year 2003) as it is necessary in order for the State of California to address the very significant challenges it faces as it seeks to comply with air pollution requirements of the federal Clean Air Act.

Most of central California does not attain federal health-based standards for ozone and particulate matter. The San Joaquin Valley has recently requested redesignation to extreme and is committed to updating their 1-hour ozone State Implementation Plan (SIP) in 2004, based on new technical data. In addition, the San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area exceed the new federal 8-hour ozone standard. SIPs for the 8-hour standard will be due in the 2007 time-frame—and must include an evaluation of the impact of transported air pollution on downwind areas such as the Mountain Counties. Photochemical air quality modeling will be necessary to prepare SIPs that are approvable by the U.S. Environmental Protection Agency.

The Central California Ozone Study (CCOS) is designed to enable central California to meet Clean Air Act requirements for ozone SIPs as well as advance fundamental science for use nationwide. The CCOS field measurement program was conducted during the summer of 2000 in conjunction with the California Regional PM10/PM2.5 Air Quality Study (CRPAQS), a major study of the origin, nature, and extent of excessive levels of fine particles in central California. This enabled leveraging of the efforts of the particulate matter study in that some equipment and personnel served dual functions to reduce the net cost. From a technical standpoint, carrying out both studies concurrently was a unique opportunity to address the integration of particulate matter and ozone control efforts. CCOS was also cost-effective since it builds on other successful efforts including the 1990 San Joaquin Valley Ozone Study.

CCOS includes an ozone field study, data analysis, modeling performance evaluations, and a retrospective look at previous SIP modeling. The CCOS study area extends over central and most of northern California. The goal of the CCOS is to better understand the nature of the ozone problem across the region, providing a strong scientific foundation for preparing the next round of State and Federal attainment plans. The study includes five main components: Designing the field study; conducting an intensive field monitoring study from June 1 to September 30, 2000; developing an emission inventory to support modeling; developing and evaluating a photochemical model for the region; and evaluating emission control strategies for upcoming ozone attainment plans.

The CCOS is directed by Policy and Technical Committees consisting of representatives from Federal, State, and local governments, as well as private industry.

These committees, which managed the San Joaquin Valley Ozone Study and are currently managing the California Regional PM10/PM2.5 Air Quality Study, are landmark examples of collaborative environmental management. The proven methods and established teamwork provide a solid foundation for CCOS. The sponsors of CCOS, representing state, local government, and industry, have contributed approximately \$9.4 million for the field study. The federal government has contributed \$4,874,000 to support some data analysis and modeling. In addition, CCOS sponsors are providing \$2 million of in-kind support. The Policy Committee is seeking federal co-funding of \$2.5 million to complete the data analysis and modeling portions of the study and for a future deposition study. California is an ideal natural laboratory for studies that address these issues, given the scale and diversity of the various ground surfaces in the region (crops, woodlands, forests, urban and suburban areas).

For fiscal year 2005, our Coalition is seeking funding of \$500,000 from the National Oceanic and Atmospheric Administration (NOAA). This request will be used to continue NOAA's involvement in developing meteorological simulations for CCOS episodes, which are also being used as inputs to SIP-related photochemical modeling. NOAA has a direct stake in the CCOS because the extensive meteorological data collected as part of the field study can be used by NOAA to improve its meteorological forecasting abilities, particularly by providing NOAA with a new database for use in the evaluation of U.S. western boundary conditions for weather forecasting models. As you know, NOAA is also at the scientific forefront of the development of meteorological models including the Weather Research and Forecasting (WRF) model that is viewed as a future replacement for the current Mesoscale Meteorology Model, Version 5 (MM5). Thus, NOAA's involvement in the CCOS would facilitate the use of CCOS measurements in the development of WRF. In addition, the CCOS includes atmospheric airflow research, and data were collected on sea breeze circulations, nocturnal jets and eddies, airflow bifurcation, convergence and divergence zones, up-slope and down-slope flows, and up-valley and down-valley airflows. This research provides fundamental data needed to understand airflows over complex terrain, and has national applicability.

Thank you very much for your consideration of our request.

CURRENT CCOS STUDY SPONSORS

Private Sector

Western States Petroleum Association
Pacific Gas and Electric Company
Electric Power Research Institute
NISEI Farmers League and Agriculture
Independent Oil Producers' Agency
California Cotton Ginners and Growers Associations

Local Government

San Joaquin Valley Unified Air Pollution Control District (on behalf of local cities and counties)
Bay Area Air Quality Management District
Sacramento Metro Air Quality Management District
San Luis Obispo County Air Pollution Control District
Mendocino County Air Pollution Control District

State Government

California Air Resources Board
California Energy Commission

Federal Government

National Oceanic and Atmospheric Administration
Environmental Protection Agency
Department of Agriculture
Department of Transportation

PREPARED STATEMENT OF THE NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION

On behalf of the National American Indian Court Judges Association (NAICJA), I am pleased to submit this testimony on the proposed fiscal year 2005 budget for the Justice Department's Indian Country Law Enforcement Initiative and the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559). We request \$73.4 million for Tribal Courts including \$15 million for Indian

Country Law Enforcement Initiative and \$58.4 million in funding for the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559). In addition, we request full funding for the following areas or, at minimum, proportional increases in keeping with economic growth. Specifically, this includes:

- Increase by \$4.74 million Administration proposed cuts in Law Enforcement under the COPS program in DOJ.
- Increase by \$7.59 million Administration proposed cuts in Tribal Courts under DOJ.
- Increase by \$2 million Administration proposed cuts in BIA for “contract support costs” to \$135,314,000.
- Increase by \$2.46 million Administration proposed cuts in DOJ for Indian Country Prison grants.

The National American Indian Court Judges Association (NAICJA), www.naicja.com, was incorporated in 1969. NAICJA is the largest organization representing Tribal Judges and Tribal Courts in the United States. The mission of NAICJA is to strengthen and enhance all Tribal justice systems through improvement and development of Tribal Courts and Tribal Court Judges.

Justice Department Funding: Indian Country Law Enforcement Initiative and Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559)

\$15 million for Indian Country Law Enforcement Initiative.—NAICJA strongly supports full funding for the Indian Country Law Enforcement Initiative. NAICJA would like to specifically emphasize our support for the funding of the Indian Tribal Court Fund at a level of at least \$15 million (Please note that this fund was formally authorized by the 106th Congress—see Public Law 106-559, section 201). Through the increased funding for law enforcement under the Indian Country Law Enforcement Initiative, more police officers have been added throughout Indian Country. Without substantial additional funding, tribal courts will be unable to handle the increased caseloads generated by this increased law enforcement.

\$58.4 million in funding for the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559).—When the 106th Congress enacted Public Law 106-559 in December 2000, it recognized the vital legal and technical assistance needs of tribal justice systems—finding in part that “there is both inadequate funding and inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation” and promised three grant programs to address these Congressional recognized needs. It is vital that Congress provide adequate funding for Public Law 106-559 (see the Act itself for more specific information). NAICJA strongly supports funding of Public Law 106-559 at the level of at least \$58.4 million. Failure to provide this funding level would make the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559) a hollow recognition of tribal justice systems needs without providing needed resources.

We further express our concern with the Administration’s fiscal year 2005 Budget proposals regarding Tribal Courts. Decreases in these areas will severely hinder effective law enforcement and Tribal Courts in Indian Country.

We request full funding for the following areas or, at minimum, proportional increases in keeping with economic growth. Specifically, this includes: Cuts in Law Enforcement under the COPS program by \$4.74 million in DOJ; cuts in Tribal Courts under DOJ by \$7.59 million; cuts in BIA for “contract support costs” by \$2 million down to \$133,314,000; and cuts in DOJ for Indian Country Prison grants by \$2.46 million.

IMPORTANCE OF TRIBAL COURTS

Tribal justice systems are the primary and most appropriate institutions for maintaining order in Tribal communities.

“Tribal courts constitute the frontline tribal institutions that most often confront issues of self-determination and sovereignty, while at the same time they are charged with providing reliable and equitable adjudication in the many and increasingly diverse matters that come before them. In addition, they constitute a key tribal entity for advancing and protecting the rights of self-government. . . . Tribal courts are of growing significance in Indian Country.” (Frank Pommersheim, *Braid of Feathers: American Indian Law and Contemporary Tribal Law* 57 (1995)).

Tribal Courts must deal with the very same issues state and Federal courts confront in the criminal context, including, child sexual abuse, alcohol and substance abuse, gang violence and violence against women. Tribal Courts, however, must ad-

dress these complex issues with far fewer financial resources than their Federal and state counterparts. Judicial training that addresses the existing problems in Indian Country, while also being culturally sensitive, is essential for Tribal Courts to be effective in deterring and solving crime in Indian communities.

INADEQUATE FUNDING OF TRIBAL JUSTICE SYSTEMS

There is no question that Tribal justice systems are, and historically have been, underfunded. The 1991 United States Civil Rights Commission found that "the failure of the United States Government to provide proper funding for the operation of tribal judicial systems . . . has continued for more than 20 years." The Indian Civil Rights Act: A Report of the United States Civil Rights Commission, June 1991, p. 71. The Commission also noted that "[f]unding for tribal judicial systems may be further hampered in some instances by the pressures of competing priorities within a tribe." Moreover, they opined that "If the United States Government is to live up to its trust obligations, it must assist tribal governments in their development . . ." More than ten years ago, the Commission "strongly support[ed] the pending and proposed congressional initiatives to authorize funding of tribal courts in an amount equal to that of an equivalent State court" and was "hopeful that this increased funding [would] allow for much needed increases in salaries for judges, the retention of law clerks for tribal judges, the funding of public defenders/defense counsel, and increased access to legal authorities."

With the passage of the Indian Tribal Justice Act, 25 U.S.C. § 3601 et seq. (the "Act"), Congress found that "[T]ribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health, safety and the political integrity of tribal governments." 25 U.S.C. § 3601(5). Congress found that "tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation." 25 U.S.C. § 3601(8). In order to remedy this lack of funding, the Act authorized appropriation of base funding support for tribal justice systems in the amount of \$50,000,000 for each of the fiscal years 1994 through 2000. 25 U.S.C. § 3621(b). An additional \$500,000 for each of the same fiscal years was authorized to be appropriated for the administration of Tribal Judicial Conferences for the "development, enhancement and continuing operation of tribal justice systems . . ." 25 U.S.C. § 3614.

Nine years after the Act was enacted into law, and even after reauthorization, no funding has been appropriated. Only minimal funds, at best, have been requested. Yet, even these minimal requests were deleted prior to passage. Even more appalling is the fact that BIA funding for Tribal Courts has actually substantially decreased following the enactment of the Indian Tribal Justice Act in 1993.

BIA-DOJ INDIAN COUNTRY LAW ENFORCEMENT INITIATIVE

Full funding is requested for the Joint BIA-DOJ Law Enforcement Initiative proposal to improve law enforcement in Indian Country. The Final Report of the Executive Committee for Indian Country Law Enforcement Improvements documents the "stark contrast between public safety in Indian Country and the rest of the United States." (Final Report, p. 4.) "While law enforcement resources have been increased and deployed throughout the United States, BIA resources actually have been reduced in Indian Country during the past few years." It is axiomatic that "as a consequence of improvements to law enforcement services, a corresponding increase in funds is needed for judicial services, especially tribal courts." (Final Report, p. 8).

The Initiative includes funding to continue the Department of Justice Indian Tribal Court Program. We urge the Committee to support full funding of the Tribal Court Program to assist in the development, enhancement and continued operation of tribal judicial systems. While funding has fallen far short of the \$58 million in annual funding promised by the Indian Tribal Justice Act, the Initiative will fail without it. Without well-staffed, competent Tribal judiciaries to handle the influx of the new criminal prosecutions flowing from the Law Enforcement Initiative, the goal of providing service to 1.4 million Native Americans who live on or near Indian lands the same "protection of their basic rights, a sense of justice, and freedom from fear" enjoyed by Americans at large, will not be attained. (Final Report, p. 4).

CONCLUSION

Tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. They are key to Tribal economic development and self-sufficiency. Any serious attempt to fulfill the federal government's trust responsibility to Indian nations, must include increased funding and enhancement of Tribal justice systems.

We welcome the opportunity to comment on the Justice Department's Budget Request for the fiscal year 2004 funding of the Indian Country Law Enforcement Initiative and the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (Public Law 106-559).

Please contact me at (715) 478-7255, or NAICJA Executive Director Chuck Robertson, at (605) 342-4804 or naicja@rushmore.com with questions or comments. Thank you.

PREPARED STATEMENT OF THE AMERICAN SPORTFISHING ASSOCIATION

The American Sportfishing Association (ASA) recommends the following as the Subcommittee considers appropriations for the National Marine Fisheries Service (NMFS) for fiscal year 2005. The American Sportfishing Association is a non-profit trade association whose 600 members include fishing tackle manufacturers, sport fishing retailers, boat builders, state fish and wildlife agencies, and the outdoor media. The ASA makes these recommendations on the basis of briefings with agency staff and from years of experience with fisheries management in this Nation. It is important to note that sportfishing provides \$116 billion in economic output to the economy of the United States each year. Sportfishing in marine waters alone provides a \$31 billion impact each year to coastal states.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—NATIONAL MARINE FISHERIES SERVICE

An important but often underrepresented NOAA constituency is the Nation's 34 million sportfishing anglers, who collectively provide billions of dollars in economic impact each year to the U.S. economy. The importance of adequately including this group and their activities in management decisions cannot be overstated.

Recreational Fisheries

With over nine million participants and 91 million fishing days, saltwater recreational fishing is the fastest growing segment of sportfishing in the United States. NOAA-Fisheries has a responsibility to recreational anglers. Sportfishing in marine waters alone provides \$8.1 billion in salaries and wages to nearly 300,000 wage earners in coastal areas. Good socio-economic information is critical for effective marine resources management efforts, and the ASA applauds the Administration's requested increase of \$1,200,000 (for a total of \$5.2 million) for additional economic and social science research, data collection and analysis. But, the ASA asks Congress to require NOAA-Fisheries to provide adequate data for sportfishing in marine waters and that an additional \$1.7 million be provided for economic and social science research and data collection.

Stock Assessment and Monitoring

Our nation's valuable marine fish resources are under intense pressure from coastal population growth, increasing fishing effort and accompanying declines in habitat quality. These pressures demand well-documented information on marine fish stocks. NOAA-Fisheries has not fully demonstrated an ongoing and comprehensive commitment to modernization and improvement of fisheries stock assessment and management of marine systems. It will take a sustained commitment on the part of the Administration, Congress and partner agencies to ensure that these initiatives are in place, sustained and effective over the long-term.

The ASA recognizes and supports the fiscal year 2005 President's budget request to increase funds for fisheries stock assessments, cooperative research, and management by \$4 million to a total of \$18.9 million, but the NOAA-Fisheries stock assessment program needs to build to the \$100 million level over the next five years if it is to be effective in providing data for proper management of marine stocks. The ASA recommends an additional \$10 million to begin building this program to the necessary level.

NOAA-Fisheries has developed successful joint programs in statistics, including the RecFIN, and ComFIN programs and, most recently, the Atlantic Coastal Cooperative Statistics Program. The ASA recommends that Congress fund GulfFIN at \$4.5 million and RecFIN at \$3.9 million, and urges NOAA-Fisheries to use the RecFIN funding for cooperative data collection for recreational fisheries consistent with statutory directives. The ASA is pleased with the President's request of \$3.0 million for PacFIN, the proposed \$6.7 million for the Alaska groundfish monitoring effort, and the recommended funding levels for AKFIN at \$3.2 million.

The ASA strongly urges Congress to address the statistics gaps on the Atlantic Coast by supporting the Atlantic Coastal Cooperative Statistics Program (ACCSP.)

NOAA-Fisheries and the Atlantic states share a commitment through and Memorandum of Understanding to proceed with this program. The ASA urges Congress to appropriate the funds necessary for success by adding a \$5 million appropriation in fiscal year 2005 for "Fish Statistics—Atlantic States Marine Fisheries Commission" as the ACCSP is fully prepared to utilize this amount immediately as stated in their planning document.

Cooperative research programs, including the SEAMAP and MARFIN programs, support fishery-independent research on high priority species. MARFIN continues to provide funds for Congressionally mandated shrimp bycatch studies. SEAMAP is building a long-term fishery-independent database needed for managing heavily exploited species and for identifying and protecting critical habitat. The ASA is concerned with the decline in funding for these critical information-gathering programs; therefore, the ASA recommends that the MARFIN competitive grant program be funded at \$6.0 million (with \$4 million for the Southeast and \$2 million for the Northeast) and SEAMAP at \$6.0 million.

Habitat Loss

The Administration has proposed the elimination of several habitat-related programs including important work being carried out on the Charleston Bump. The Charleston Bump is an important nursery habitat for Atlantic Highly Migratory Fish species (HMS), and the ASA supports continuation of this program at fiscal year 2004 levels.

The ASA supports the fiscal year 2005 request of \$13.2 million for Fisheries Habitat Restoration. This program provides funding to foundations that awards grants to restore fish habitat. Specifically, the ASA is pleased with the \$1.5 million increase for the Community-based Restoration Program (CRP) that has funded over 800 vitally important restoration projects that entail volunteers and educational opportunities to promote stewardship and public involvement. The ASA recommends an additional \$2 million for CRP grants that are regularly matched by a 3–5 ratio and completed by many groups including regional or national partners, non-profit organizations, communities, and industry.

Interagency Efforts

The ASA strongly recommends that Congress appropriate \$10.0 million for the Atlantic Coastal Fisheries Cooperative Management Act. It provides the Atlantic States Marine Fisheries Commission with the financial resources to carry out their Congressional mandates and the program continues to accomplish goals, such as the continuing successes in striped bass and weakfish management.

The ASA urges Congress to appropriate adequate funding for all cooperative programs with state agencies, including ESA Section 6 cooperative programs and to implement restoration programs under the authority granted in the Endangered Species Act. These agreements would provide funding on a matching basis to accomplish conservation activities and to protect candidate species at risk of extinction. It is essential to protect the species important to recreational anglers and to sustain populations through sound management. The ASA recommends an additional \$4 million be included in the fiscal year 2005 appropriation to provide funding for cooperative agreements with states to enhance the states' roles under the Endangered Species Act.

Addressing the significant shortfalls in financial assistance to accomplish mandated and timely fisheries management needs is critical to allow for implementation of the Magnuson-Stevens Fisheries Conservation and Management Act. The ASA supports the additional \$800,000 in funding for NOAA-Fisheries Regional Fishery Management Councils that will allow the Councils to provide a more timely response to regional problems as fishing pressures continue to grow in many areas.

Reliable fishery statistics provide the foundation upon which all fishery management decisions are based. State participation in the development and implementation of fishery statistics programs is critical to ensure the validity, comparability, and usefulness of data. The States and NOAA-Fisheries are each authorized to collect and interpret statistics for marine fisheries. Therefore, it is essential that States and the Interstate Marine Fisheries Commissions participate in cooperative statistics programs.

Other NOAA-Fisheries Issues

The ASA is pleased with the increase of \$10.9 million for the Pacific Coastal Salmon Recovery Fund and the inclusion the state of Idaho for salmon funding. We urge the Subcommittee to support funding for this program that is essential to recovery efforts of endangered and at-risk salmon species that are so critically important to the Pacific Northwest. The Pacific Coastal salmon fisheries provide out-

standing opportunities for recreational anglers and the ASA appreciates all efforts designated to restore these recreational species.

The ASA is concerned over the continuing low level of funding for implementation of the Anadromous Fisheries Act. The Anadromous Fisheries Act budget line has traditionally been used to fund activities that cannot be supported through other federal and state funds, and the fisheries management community has been unable to adequately address the needs of most anadromous fish stocks. Therefore, the ASA urges Congress to fund the Anadromous Fisheries Act grants to States at \$8.0 million.

The ASA strongly recommends that Congress appropriate \$30 million for cooperative law enforcement arrangements with the states for fiscal year 2005. Additionally, the ASA urges Congress to insist that NOAA-Fisheries work with the Department of Justice to streamline the reimbursement process to states prosecuting federal fisheries violations, as was intended by Congress.

Other National Oceanic and Atmospheric Administration (NOAA) Programs

The ASA urges Congress to aggressively support the development of new technologies to help address critical marine resource issues. Several ongoing efforts, including the Hollings Marine Laboratory (HML) and the Fish Cooperative Institute, are funded through the Oceanic and Coastal Research line of the National Ocean Service budget. The ASA is pleased with the Administration's recognition of this important work in marine environmental health and the included funding level of \$4.0 million for the HML and \$0.750 for the Fish Cooperative Institute.

The National Estuarine Research Reserve (NERR) and Coastal Zone Management (CZM) programs are two highly successful examples of state-federal partnership efforts to improve the quality of our natural resources. The ASA is pleased with the proposed \$16.4 million for NERR operations as well as with the Administration's request of \$7.25 million for construction of research and educational facilities at NERR sites. Additionally, the ASA is pleased that the Administration recognizes the efforts of coastal states to address issues ranging from public access to non-point source pollution to development and urban sprawl. Increased development continues to have detrimental impacts on the quality of life in our communities, and states and local communities are in the best position to develop sound solutions to these pressures. Therefore, the ASA strongly urges Congress to support the nation's coastal zone management enterprise at a level of \$85 million for Coastal Zone Management grants to help states and local communities work to improve the quality of our coastal natural environment.

The ASA is pleased with the Administration's acknowledgement of the problems posed by *pfisteria* and other harmful algal blooms. However, the ASA is concerned over the proposed termination of work carried out in concert with the states. The Administration has proposed to terminate the \$600,000 for *pfisteria* work being carried out by the South Carolina Harmful Algal Bloom Task Force. This effort is especially important in evaluating the risks of harmful algal blooms in tidal-dominated high flow systems, and the ASA urges Congress to restore funding for this effort.

PREPARED STATEMENT OF THE AMERICAN COUNCIL OF YOUNG POLITICAL LEADERS

Mr. Chairman, distinguished members of the Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies, ladies and gentlemen:

The American Council of Young Political Leaders (ACYPL) welcomes this opportunity to present testimony as you consider the U.S. Department of State's fiscal year 2005 appropriations for cultural and educational exchange programs. My name is Brad Minnick, and as the ACYPL's executive director, I oversee nearly 30 annual exchange programs funded in part by a core grant from the State Department's Bureau of Educational and Cultural Affairs (ECA). Today I offer some perspectives about the value of exchanges like ours against the backdrop of global terrorism and rising anti-Americanism around the world. In my view, citizen exchanges are a critical component in the war against terrorism and the promotion of democratic ideals.

Background and History of ACYPL

Since its founding in 1966 as an outgrowth of the Fulbright-Hays Act, ACYPL has introduced nearly 6,500 select emerging leaders from around the globe to international diplomacy and to each other. ACYPL prepares in-depth study tours for young leaders, aged between 25 and 40 years old, to give them much-needed international exposure early in their political careers. U.S. participants travel overseas to study the political system and culture of another nation. Reciprocal visits bring

young leaders here from abroad for an introduction to American democracy and culture and our federalist form of government.

We target young politicians likely to assume future positions of responsibility and leadership. Here at home, our delegates are typically state legislators, mayors, city council members and other state and local elected officials. Many have never before traveled outside the United States.

ACYPL programs are strictly bipartisan; our delegates are drawn from all 50 states and equally from both major political parties. We take particular care in putting together our delegations to demonstrate to the world that this nation has diverse opinions, cultures, ethnicities, religions, and politics. Similarly, ACYPL's overseas delegations are chosen by our partners and U.S. Embassies abroad to represent the political and cultural diversity of their home countries.

Here in the United States ACYPL can claim nearly 40 sitting members of Congress among its distinguished alumni; six sitting state governors; several current and former Cabinet secretaries and many leaders in business, finance, community affairs, and education. Overseas, our distinguished alumni include prime ministers, cabinet officers, ambassadors and parliamentarians. The current Hungarian prime minister and the current Hungarian ambassador to the United States were roommates on an ACYPL exchange in 1983.

A Model for Experience and Understanding

ACYPL is but one of many international organizations actively engaged in citizen diplomacy. Why are we unique and why are we effective?

ACYPL is cost-efficient. For practically every dollar we receive in federal funding, we turn it into at least two dollars through cost-share, in-kind contributions and outside fundraising. Overall, we will leverage nearly 160 percent of our base federal grant in corporate and private funding support this year—a \$1.2 million return on a federal investment of \$800,000.

ACYPL exchanges are bilateral. Appearing recently before the House Appropriations Subcommittee on Commerce, Justice, and State, Ambassador Edward Djerejian noted that “the most effective programs of public diplomacy—the ones most likely to endure and have long-term impact—are those that are mutually beneficial . . .” We host the same number of delegates from each country that we send to those countries. Our in-country counterpart organizations willingly organize and underwrite the visits of our American delegates because we reciprocate.

We focus only on emerging political leaders. We believe passionately in the need to identify, educate and introduce to each other tomorrow's global leaders today. Through familiarity and relationships comes knowledge and understanding. The earlier in one's political career we can make these connections, the better.

As Assistant Secretary of State Patricia de Stacy Harrison is fond of saying, “if you don't go, you don't know.” ACYPL brings young leaders here to see for themselves the multicultural, pluralistic nation of friendly and generous people that is the United States. A delegation from Indonesia visiting Dearborn, Michigan was shocked to see that Muslims here not only worship openly but are assimilated into the fabric of American society. A Chinese delegation didn't know until they met him that a Chinese-American could be and was elected one of our nation's 50 governors.

American delegates make similar discoveries. Delegates to India and Tanzania had never before seen such rampant poverty. Through their meetings in Egypt, Jordan and Morocco delegates experienced first-hand the intensity of anti-American sentiment among young adults. Delegates in Vietnam saw the deep bitterness many government officials still hold over the “American war.” In Australia delegates learned about the true strength and history of our alliance.

ACYPL continues to engage its alumni. We view the initial exchange as only the beginning of our delegates' experience as citizen diplomats. And we tap these well connected alumni at home and abroad to give current delegates access to leaders at the highest levels of government. A recent Chinese delegation learned about the rule of law directly from Supreme Court Justice Sandra Day O'Connor and White House Counsel Alberto Gonzales, who is himself an alumnus of ACYPL. Palestinian delegates quizzed Ambassador Dennis Ross and Secretary of State Colin Powell about Middle East peace. Israelis met with former Defense Secretary William Perry. In Jordan, U.S. delegates met with King Abdullah; in Romania they talked NATO membership with Prime Minister Nastase and Foreign Minister Geoana; in Uruguay, delegates questioned President Batlle about Iraq and international cooperation in the war on terrorism.

Many alumni can testify about the deep impact the program had on them as they rose through the ranks to their current position of national or international leadership. The phrase most frequently used in describing their ACYPL experience is “life-changing.” Here is a typical comment from our delegate evaluations: “As a state leg-

islator, I was never focused on foreign issues before this trip. This trip and access to the political leaders has opened my eyes forever on our responsibility as a nation." Said a recent foreign delegate: "I have come to realize that actually I know less about the United States than I thought I did before going on this trip." Another wrote that going forward "I'll be able to avoid the fallacy of oversimplifying America."

U.S. Embassies abroad widely speak of the positive results ACYPL visits generate. For example, a recent delegation spent time in Malaysia, ACYPL's first visit there in over 10 years, where they were introduced to some of the new political leadership elected just one week before the delegates' arrival. We were told that this could not have been a better time for the ACYPL delegation to come to Malaysia because the visit allowed Embassy staff to meet many key contacts in the major political parties, government officials and non-governmental organizations for the first time. One notable contact was with the executive director and secretary of the International Movement of Muslim Youth (ABIM), based in Malaysia, who attended the ACYPL welcoming reception hosted by the Embassy's deputy chief of mission. This was the first time ABIM had ever accepted an Embassy invitation to any event, and the occasion allowed Embassy staff and the ABIM to discuss how they could work together in the future in places like Iraq.

Why Exchanges Are Needed

Current events around the world speak of the tragedy of the increasing lack of understanding between the United States and some of its traditional allies; it also speaks volumes to the deeply-rooted mistrust of the United States felt by millions around the globe. Citizen-to-citizen exchanges offer unique opportunities for learning from one another about commonly-shared solutions to problems, as well as about different perspectives on forms of government and the aspirations other nations have for their citizens. This is especially true when it applies to emerging democracies, post-conflict nations, or in countries where the United States has a critical focus.

Worldwide, ACYPL has succeeded in addressing immediate national public diplomacy interests. When U.S. relations with the People's Republic of China were normalized in 1979, ACYPL was one of the first exchange programs established between our two nations. This year we are celebrating the 25th anniversary of the first ACYPL visit to mainland China. We are proud to be in the vanguard of exchange programs that seek to promote peace, reconciliation, and friendship among former adversaries.

Our experience with China illustrates the benefits that come when exchanges are sustainable over a quarter of a century. Since 1979 nearly 400 young leaders on both sides have gained valuable understanding about the other; indeed, many of these alumni have risen to high levels of leadership in both countries. This exchange never fell victim to the ebb and flow of funding or of relations between our two governments, even during Tiananmen Square or the downing of a U.S. Air Force plane over Hainan Island. I remember vividly arriving in Beijing as an ACYPL delegate myself the day martial law was declared in 1989. Despite the Tiananmen Square protests, both nations agreed our visit should proceed. It was an experience I shall never forget.

With regard to public diplomacy in the Middle East and other areas of focus by the State Department, ACYPL has strengthened its exchanges to promote current priorities. While 25 percent of State Department funding for exchanges this year will go to programs in the Middle East and South Asia, fully 37 percent of ACYPL's exchanges in 2004 are with nations with predominant Muslim populations. We have already brought to the United States approximately 100 delegates from the Near East. Recent inbound exchanges have included parliamentarians from Indonesia, where it has been stated in a September 2003 General Accounting Office report that only 15 percent of Indonesians view the United State favorably. We are also hosting Egyptian parliamentary staffers who are witnessing first-hand how representative government works in the U.S. Congress; and later this summer a delegation from Jordan (where only 1 percent view the United States favorably, according the same GAO report) will visit schools, citizen groups, and local legislators to learn about a civil society. We feel these visits offer more than just education, but an opportunity to expose mutual misconceptions; create goodwill that promotes understanding and dialogue; and engage young leaders in public diplomacy efforts with lasting results.

Where We Are Today and Challenges for the Future

Unfortunately, like many of our exchange program colleagues, ACYPL does not have the resources to conduct and maintain exchanges worldwide on the scale ap-

propriate for the world's only super power. America's national leaders agree on the value of educational and cultural exchanges, yet those of us who organize these exchanges typically operate on shoestring budgets. The United States spends less than one percent of the annual Defense budget on all of its public diplomacy programs combined. Because resources are so limited, my organization must constantly choose between maintaining existing relationships or establishing new ones. We cannot do both under existing funding.

The international exchange community understands the severe budget pressures facing this subcommittee. But we also understand what America gains from these exchanges. Government-to-government dialogue and military strength can only reach so far and do so much. Public diplomacy efforts underscore or compliment government-to-government achievements while imparting personal experience and developing mutual understanding among future leaders. Yet, without sustained or new funding for programs like ours, progress towards impressing upon other nations the blessings of democracy and freedom cannot be made fully; nor will we reach those who need to hear our message the most. Indeed, as Ambassador Djerejian notes in *Changing Minds, Winning Peace*, "the importance of public diplomacy in meeting the strategic challenge that America faces in the Arab and Muslim world requires a dramatic increase in funding."

Our organization could facilitate exchanges with 100 emerging young political leaders in Afghanistan and/or Iraq that focus on democracy, rule of law, openness in government, civil society, women's rights, and the importance of public service for \$600,000. We could double the number of countries we exchange with for \$2 million. With \$300,000 more we could add enhanced follow-on activities and better communicate with our global alumni.

Thank you for this opportunity to share my thoughts about why public diplomacy programs like ours must be strengthened in a post 9/11 world. As you deliberate how best to allocate limited resources I encourage you to consider the important role that ACYPL and its sister exchange organizations can play in fostering improved understanding among emerging leaders, combating global terrorism and changing perceptions abroad about America. Thank you.

PREPARED STATEMENT OF THE NATIONAL CENTER FOR VICTIMS OF CRIME

The National Center for Victims of Crime submits this testimony to urge members of the Subcommittee on Commerce, Justice, State and the Judiciary to approve the President's budget request and release \$675 million from the Victims of Crime Act (VOCA) Fund for fiscal year 2005. In addition, we urge Subcommittee members to prevent the creation of additional earmarks from the VOCA Fund and to discontinue the use of earmarks from the VOCA Fund for federal positions.

The National Center for Victims of Crime is the leading resource and advocacy organization for victims of crime. From our work with crime victims and service providers across the country, we are well acquainted with the funding needs of those who assist victims of crime. Since our founding in 1985, the National Center has worked with public and private non-profit organizations and agencies across the country, and has provided information, support, and technical assistance to hundreds of thousands of victims, victim service providers, allied professionals, and advocates. Our toll-free information and referral Helpline keeps us in touch with the needs of crime victims nationwide. Through our day-to-day interactions with our members and with the 8,300 crime victim service providers in our referral network, we stay informed of the work they do and of the impact that funding decisions at the federal level have on their ability to meet the needs of victims. We also interact with crime victim service providers through our regional Training Institute, which offers training on a variety of issues to service providers throughout the country. In short, we hear from victims and service providers every day about the impact and importance of the VOCA Fund.

About the VOCA Fund

The VOCA Fund was created twenty years ago to provide ongoing federal support for state and local crime victim programs. It is funded by criminal fines and penalties imposed on federal offenders. Since fiscal year 2000, the VOCA Fund has carried over money from year to year, with each year's VOCA Fund disbursement reflecting a cap on the amount of money released from the Fund. The bulk of the funds are distributed each year by formula grants to the states to fund: (a) crime victim compensation programs, which pay many of the out-of-pocket expenses incurred by victims; and (b) crime victim assistance. The VOCA Assistance funding

supports rape crisis centers, domestic violence shelters, victim assistants in law enforcement and prosecutor offices, and other direct services for victims of crime.

VOCA funding for victim assistance has decreased since fiscal year 2002

For the last two years, a cursory look at the federal appropriations might indicate that VOCA funding for victim services has increased. In fact, it has fallen since fiscal year 2002. The decrease in VOCA funding for victim assistance has resulted from changes in the statutory formula for disbursement of VOCA dollars and from the disproportionate impact of the budgetary rescission on VOCA assistance spending. While the total VOCA disbursement has increased, from \$550 million in fiscal year 2002 to \$625 million in fiscal year 2004, VOCA assistance spending has dropped in that time, from \$383 million in fiscal year 2002 to approximately \$356 million in fiscal year 2004. This seven percent decrease has had a significant impact on rape crisis centers, homicide survivor groups, and victim/witness programs that are already suffering steep declines in support from states and private funders.

Under the terms of the VOCA statute (42 U.S.C. § 10601), there are certain set asides for federal programs that are funded according to their need. These programs are victim/witness coordinators in the offices of U.S. Attorneys, victim assistants in FBI field offices, and the federal automated victim notification system. Another set aside exists for children's justice programs. From the remaining VOCA dollars, five percent is allocated to the Office for Victims of Crime for additional federal programs and for national-scope projects. Payouts from the VOCA Fund to state crime victim compensation programs are then made, based on a partial reimbursement of each state payments to victims. The amount of funds remaining becomes that year's VOCA assistance figure. Thus, any change in earmarks from the fund or in the needs of the funded federal programs, any reduction in overall VOCA spending, and any budgetary rescission, disproportionately impacts VOCA assistance spending.

The importance of VOCA funding to state and local victim services

VOCA assistance money provides the crucial federal support for core services to crime victims. Through the VOCA fund, the federal government supports services for survivors of homicide victims and for victims of assault, robbery, gang violence, hate and bias crimes, intoxicated drivers, bank robbery, fraud, elder abuse, child abuse and neglect, domestic violence, and sexual assault. VOCA assistance dollars fund services that help victims in the immediate aftermath of crime, including accompaniment to hospitals for examination; hotline counseling; emergency food, clothing and transportation; replacing or repairing broken locks; filing restraining orders; and more. This program also funds assistance as victims move through the criminal justice system, including notification of court proceedings, transportation to court, help completing a victim impact statement, notification about the release or escape of the offender, and assistance in seeking restitution.

Organizations receiving VOCA assistance grants include sexual assault and rape treatment centers, domestic violence programs and shelters, child abuse programs, centers for missing children, mental health services, and other community-based victim coalitions and support organizations including those who serve homicide survivors. Also funded are victim service programs operated by other types of organizations, including criminal justice agencies, faith-based organizations, emergency medical facilities, and others.

The need far outpaces the funds

Victims from around the country call our toll-free Helpline, looking for the assistance that can help them rebuild their lives. Too often we have had to tell rural domestic violence victims that the closest services are 200 miles away, to tell mothers of sexual abuse victims that they will have to drive over an hour to get to special children's services, and to tell rape victims that there are no longer services in their county and they will have to call the state coalition for help. Immigrant victims find there are no service providers with available interpreters; victims with disabilities can't locate specialized services. Because the recent decrease in federal funding follows decreases in state and private giving, any additional cuts come at the expense of core services to victims.

- Service providers tell us they have long waiting lists for services that victims need immediately. When a teenage sexual assault victim turns to a rape crisis center, telling her she can come back in three months isn't good enough.
- Program directors tell us they have had to choose between retaining a volunteer coordinator who can provide the necessary professional oversight to volunteers who inform victims about their rights and assist them as they apply for compensation, and a counselor who can provide in-depth counseling and group therapy.

- Programs that formerly served multiple counties through satellite offices have had to contract their services to a single location. Not only does this change directly affect the accessibility of their services, but it also means a lessening of ties to others in the community who can collaborate to respond to victims.
- Programs that have spent years making inroads into immigrant communities are now faced with discontinuing their services because they can no longer afford bilingual advocates.
- Services for “secondary” victims have been cut. While service providers understand the need to provide services to children of domestic violence victims, to non-offending mothers in cases of child sexual abuse, and to family members of victims of other violent crime, the combined budget cuts have often resulted in eliminating those services.
- As programs have had to cut back, they report that experienced but overworked staff are leaving the field. Where new staff have been hired, directors report a lack of funding to train them.

Victim service providers understand the needs in their community. With additional funding, they could increase their community collaborations to reach out to underserved victims, including elderly victims, teen victims, immigrant victims, victims with disabilities, and victims in rural areas. They can also expand their core services to meet the needs of those victims of crime, to help them rebuild their lives. They also report a need for funding for technology that can increase their efficiency and effectiveness—such as automated victim notification systems, databases to enable service providers to coordinate their efforts for a single victim, and Web technology to improve their outreach to the community.

There must be no additional earmarks from VOCA

Finally, while our first priority is to see the cap on the VOCA Fund raised to \$675 million for fiscal year 2005, we also urge you to prevent the creation of additional earmarks from the VOCA Fund, even for projects that serve crime victims. VOCA formula grants are designed to let each state fund victim services based on the needs and strategic plans of that state. Money from the general VOCA Fund must not be set aside for additional specific purposes.

We also urge that earmarks for federal positions from the VOCA Fund be discontinued. New earmarks on the Fund have been enacted over the last several legislative sessions, limiting the amount of money ultimately available to states to fund local programs. These earmarks result in a significant decrease in funding available to help the vast majority of crime victims—victims whose cases are prosecuted and who are served at the state and local levels. Such federal positions may be warranted, but surely Congress can find other sources of revenue to support federal employees. Moreover, because of the statutory construction of those earmarks, they are immune from any budgetary actions that restrict VOCA spending overall, and so are disproportionately favored.

The most important action Congress can take to help this nation’s victims of crime is to provide the funding for services and compensation programs that help them rebuild their lives. Congress’ creation of the VOCA Fund in 1984 was a landmark action that fundamentally changed the way our society responds to victims of crime. We urge you to continue this great effort, by approving the President’s budget request of \$675 million for VOCA and holding fast against pressure to earmark the Fund.

PREPARED STATEMENT OF THE GREAT LAKES INDIAN FISH AND WILDLIFE
COMMISSION

Summary of GLIFWC’s Fiscal Year 2005 Testimony.—The Commission requests that Congress restore funding for the COPS Tribal Resources Grant Program to \$40 million in fiscal year 2005 in the Department of Justice. The Administration is proposing to reduce funding for this essential program to \$20 million.

Disclosure of DOJ Grants Contracted.—The Commission is an intertribal organization which, under the direction of its member tribes, implements federal court orders governing tribal harvests of off-reservation natural resources and the formation of conservation partnerships to protect and enhance natural resources within the 1836, 1837, and 1842 ceded territories. Under COPS Tribal Resources Grant Program, the Commission contracted:

- \$172,924 in fiscal year 2000 for the purposes of replacing obsolete radio equipment and to improve the capacity of GLIFWC’s officers to provide emergency services throughout the Chippewa ceded territories;

- \$292,190 in fiscal year 2001 for the purposes of replacing obsolete patrol vehicles (boats, ATVs, and snowmobiles), purchasing portable defibrillators, and training GLIFWC officers;
- \$302,488 in fiscal year 2002 for the purposes of replacing obsolete patrol vehicles (ATVs and snowmobiles), improving officer safety (in-car video cameras), increasing computer capabilities, and expanding training of GLIFWC officers in interagency emergency response; and
- \$280,164 in fiscal year 2003 for the purposes of hiring 3 additional officers, providing basic recruit training, and supplying standard issue items.

Ceded Territory Treaty Rights and GLIFWC'S Role.—GLIFWC was established in 1984 as a “tribal organization” within the meaning of the Indian Self-Determination Act (Public Law 93–638). It exercises authority delegated by its member tribes to implement federal court orders and various interjurisdictional agreements related to their treaty rights. GLIFWC assists its member tribes in: securing and implementing treaty guaranteed rights to hunt, fish, and gather in Chippewa treaty ceded territories; and cooperatively managing and protecting ceded territory natural resources and their habitats.

For the past 19 years, Congress and Administrations have funded GLIFWC through the BIA, Department of Justice and other agencies to meet specific federal obligations under: (a) a number of U.S./Chippewa treaties; (b) the federal trust responsibility; (c) the Indian Self-Determination Act, the Clean Water Act, and other legislation; and (d) various court decisions, including a 1999 U.S. Supreme Court case, affirming the treaty rights of GLIFWC's member Tribes. GLIFWC serves as a cost efficient agency to conserve natural resources, to effectively regulate harvests of natural resources shared among treaty signatory tribes, to develop cooperative partnerships with other government agencies, educational institutions, and non-governmental organizations, and to work with its member tribes to protect and conserve ceded territory natural resources.

Under the direction of its member tribes, GLIFWC operates a ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, and public information specialists.

Community-based Policing.—GLIFWC's officers carry out their duties through a community-based policing program. The underlying premise is that effective detection and deterrence of illegal activities, as well as education of the regulated constituents, are best accomplished if the officers live and work within tribal communities that they primarily serve. The officers are based in 10 satellite offices located on the reservations of the following member tribes: In Wisconsin—Bad River, Lac Courte Oreilles, Lac du Flambeau, Red Cliff, Sokaogon Chippewa (Mole Lake) and St. Croix; in Minnesota—Mille Lacs; and in Michigan—Bay Mills, Keweenaw Bay and Lac Vieux Desert.

Interaction With Law Enforcement Agencies.—GLIFWC's officers are integral members of regional emergency services networks in Minnesota, Michigan and Wisconsin. They not only enforce the tribes' conservation codes, but are fully certified officers who work cooperatively with surrounding authorities when they detect violations of state or federal criminal and conservation laws. They also are certified medical emergency first responders, including CPR, and in the use of defibrillators, and are trained in search and rescue, particularly in cold water rescue techniques. When a crime is in progress or emergencies occur, local, state, and federal law enforcement agencies look to GLIFWC's officers as part of the mutual assistance networks of the ceded territories. This network includes the Wisconsin Department of Natural Resources, Minnesota Department of Natural Resources, Michigan Department of Natural Resources, U.S. Coast Guard, USDA-Forest Service, State Patrol and Police, county sheriffs departments, municipal police forces, fire departments and emergency medical services.

GLIFWC Programs Currently Funded by DOJ.—GLIFWC recognizes that adequate communications, training, and equipment are essential both for the safety of its officers and for the role that GLIFWC's officers play in the proper functioning of interjurisdictional emergency mutual assistance networks in the ceded territories. GLIFWC's COPS grants for the past four years have provided a critical foundation for achieving these goals. Significant accomplishments with Tribal Resources Grant Program funds include:

- Improved Radio Communications and Increased Officer Safety.*—GLIFWC replaced obsolete radio equipment to improve the capacity of officers to provide emergency services throughout the Chippewa ceded territories. GLIFWC also used COPS funding to provide each officer a bullet-proof vest, night vision equipment, and in-car videos to increase officer safety.

- Emergency Response Equipment and Training.*—Each GLIFWC officer has completed certification as a First Responder and in the use of life saving portable defibrillators. In 2003, GLIFWC officers carried First Responder kits and portable defibrillators during their patrol of 275,257 miles throughout the ceded territories. In remote, rural areas the ability of GLIFWC officers to respond to emergencies provides critical support of mutual aid agreements with federal, state, and local law enforcement agencies.
- Ice Rescue Capabilities.*—Each GLIFWC officer was certified in ice rescue techniques and provided a Coast Guard approved ice rescue suit. In addition, each of GLIFWC's 10 reservation satellite offices was provided a snowmobile and an ice rescue sled to participate in interagency ice rescue operations with county sheriffs departments and local fire departments.
- Wilderness Search and Rescue Capabilities.*—Each GLIFWC officer completed Wilderness Search and Rescue training. The COPS Tribal Resources Grant Program also enabled GLIFWC to replace many vehicles that were purchased over a decade ago including 10 ATVs and 16 patrol boats and the GPS navigation system on its 25 foot Lake Superior Patrol Boat. These vehicles are used for field patrol, cooperative law enforcement activities, and emergency response in the 1837 and 1842 Chippewa Ceded Territories. GLIFWC officers also utilize these vehicles for boater, ATV, and snowmobile safety classes taught on Reservations as part of the Commission's Community Policing Strategy.
- Hire, train, and supply 3 additional officers.*—Funding has been contracted to provide 3 additional officers to ensure tribes are able to meet obligations to both enforce off-reservation conservation codes and effectively participate in the myriad of mutual assistance networks located throughout a vast region covering 60,000 square miles.

Consistent with numerous other federal court rulings on the Chippewa treaties, the United States Supreme Court recently affirmed the existence of the Chippewa's treaty-guaranteed usufructuary rights (*Minnesota v. Mille Lacs Band*, Case No. 97-1337, March 24, 1999). As tribes have re-affirmed rights to harvest resources in the 1837 ceded territory of Minnesota, workloads have increased. This expanded workload, combined with staff shortages would have limited GLIFWC's effective participation in regional emergency services networks in Minnesota, Michigan and Wisconsin. The effectiveness of these mutual assistance networks is more critical than ever given: National homeland security concerns; State and local governmental fiscal shortfalls; and staffing shortages experienced by local police, fire, and ambulance departments due to the call up of National Guard and military reserve units.

Examples of the types of assistance provided by GLIFWC officers are provided below: as trained first responders, GLIFWC officers routinely respond to, and often are the first to arrive at, snowmobile accidents, heart attacks, hunting accidents, and automobile accidents (throughout the ceded territories); search and rescue for lost hunters, fishermen, hikers, children, and elderly (Sawyer, Ashland, Bayfield, Burnett, and Forest counties in Wisconsin and Baraga, Chippewa, and Gogebic counties in Michigan); being among the first to arrive on the scene where officers from other agencies have been shot (Bayfield, Burnett, and Polk counties in Wisconsin) and responding to weapons incidents (Ashland, Burnett, Sawyer, and Vilas counties in Wisconsin); assist with drowning incidents (St. Croix River on the Minnesota/Wisconsin border, Sawyer county in Wisconsin, Gogebic county in Michigan) and searching for lost airplanes (Ashland, Forest and Washburn counties in Wisconsin); organize and participate in rescues of ice fishermen on Lake Superior (Ashland and Bayfield counties in Wisconsin) and assisting with Lake Superior boat rescues (Baraga county in Michigan and with the U.S. Coast Guard in other parts of western Lake Superior); and assist sheriffs departments with natural disasters (e.g. floods in Ashland County and a tornado in Siren, Wisconsin).

Simply put, adding three additional officer positions will not only assist GLIFWC in meeting its obligations to enforce tribal off-reservation codes, but it will enhance intergovernmental efforts to protect public safety and welfare throughout the region by the states of Wisconsin, Minnesota, and Michigan.

PREPARED STATEMENT OF THE AMERICAN FOREIGN SERVICE ASSOCIATION

Mr. Chairman and members of the Subcommittee: On behalf of the American Foreign Service Association (AFSA) and the 23,000 active-duty and retired members of the Foreign Service, I express our appreciation for the opportunity to share our views and concerns with you regarding the 2005 fiscal year funding request for the Department of State and its programs.

Our country is facing the most serious threat to its well-being since the Cold War. Foreign Service personnel are working long hours, in difficult circumstances with uncommon courage, to advance our bilateral and multilateral relationships, fight the battle against international terrorism, stop the flow of illegal drugs, uncover international crime and illegal financing networks, and work for the kind of development that will remove safe havens for international terrorists. On July 1, the State Department will take on a task that may reverberate for decades in the Middle East. The United States will be turning over sovereignty to the Iraqi people and the Department of State will be establishing one of the largest diplomatic missions in its history. The United States will become a partner with the Iraqi people in bringing peace and justice to their wartorn nation.

As the United States takes on these ever-expanding diplomatic responsibilities, this Subcommittee's actions are vital to their success. Your decisions determine whether we will have the resources necessary to support the foreign affairs infrastructure and many of the tools of diplomacy needed to implement our foreign policy.

The Subcommittee's and the Congress' past support of the Administration's request in meeting staffing needs, improving information technology systems, making posts and missions more secure, and providing for an active exchange program is very much appreciated. Certainly Secretary of State Colin Powell and his staff also must be thanked for their hard work on our behalf. For over three years, the Secretary has successfully served our Nation and the President as both his principal foreign policy advisor and as the effective and inspiring CEO of the Department of State.

PERSONNEL FUNDING REQUIREMENTS

With the fiscal year 2004 funding, the Department completed its three-year Diplomatic Readiness Initiative (DRI) and by September 2004 will have hired 1,158 new employees above attrition into the Foreign and Civil Services. Because of DRI, the majority of the Department's long vacant overseas positions will be filled. Further, the Department will be able to staff new operations in Iraq and Afghanistan, and in new offices like MEPI and HIV/AIDS without "robbing Peter to pay Paul" as had been the practice.

However, the 1,158 additional Foreign and Civil Service personnel target was chosen prior to the changes in the world brought about by the September 11, 2001, attacks on the United States. When the numbers were selected, it was a different time and a different world. For fiscal year 2005 the Administration has requested an additional \$76 million to fund 317 new positions which would include 183 individuals for new staffing requirements, 63 positions for the Consular Associates Replacement Program, and 71 new security positions.

AFSA supports this additional personnel request. Through reprioritization, DRI allowed the Department to meet unforeseen demands. However, this reprioritization also meant that current needs are not being met. The additional personnel "float" that was needed so that training could take place or positions will be covered while our personnel move from one post to another, take home leave, or the myriad other reasons for people to be in motion has not materialized. This personnel float must be replaced. Also additional security staffing is required to meet an increasingly dangerous world. Last year, Mr. Chairman, the Foreign Service experienced the most mandatory evacuations of posts than ever before, and we do not see this trend abating soon.

Without the additional requested funding for staffing, the gains made by DRI could be lost. With the lack of appropriate funding in the decade of the 1990s, our foreign affairs infrastructure fell into a state of near crisis. This cannot be allowed to happen again, and we urge the Congress to meet the Administration's personnel request.

There is one other matter in terms of the funding request that AFSA wishes to call to the Subcommittee's attention. In the State Department authorization bill, there is a provision in the House and Senate bills that would increase the hardship and danger pay differentials from a maximum of 25 percent to 35 percent. AFSA requests that if this increase is authorized, sufficient funding be included in this appropriations bill to accommodate this increase in differentials. The world has become a much more dangerous and difficult place to live. An increasing number of posts have hit the maximum but there still is a difference of "worse and worst" among these posts. An increase in the differential would help acknowledge the greater hardship that is required to live in the worst posts.

PERSONNEL ISSUES FOR SUBCOMMITTEE CONSIDERATION

Mr. Chairman, there is another issue to be considered is the treatment of our personnel. The Foreign Service is very fortunate in that we continue to attract from the best and brightest of our nation. Today, because of DRI and increased funding, hiring finally has begun to increase. Currently nearly one-third of the State Department's Foreign Service has been hired since 1998, which creates a new dynamic for our institution. We ask for the Congress' attention in this matter because it can create personnel problems that work against retention and the morale of the Foreign Service.

The newer members of the Foreign Service have much in common with their older colleagues. They, too, are the best that our nation has to offer. They, too, are hard working, dedicated, patriotic individuals who are willing to serve in dangerous and remote places. But one major difference is the importance of the spouse and family concerns in their consideration of their employment satisfaction level. In line with societal trends, our new Foreign Service members are marrying well-educated, career oriented spouses. These spouses do not see themselves continually sacrificing their career and serving as part of a "two-fer" couple. For many, spousal employment options and the attitudes of the spouse constitute the single most important factor in determining both mobility of the Foreign Service members and whether a person will make the Foreign Service a career. The efforts made by the Department in this area are noteworthy, but the problems have yet to be solved. AFSA urges the Committee to work with the Department in seeking ways to improve the career opportunities and the personal satisfaction of spouses for the long-term health of the Foreign Service.

Another issue that should be addressed revolves around training and the per diem provided. As DRI concept continues to succeed and more individuals take additional training to learn new skills regarding their next assignment or to learn new hard language skills, AFSA believes that the per diem levels provided for those assigned to training need to be revised. Current allowances do not accommodate increased cost of living in the Washington, D.C. metropolitan area. AFSA asks that the Subcommittee provide funding to the Department of State so that appropriate support levels for those in long-term training can be provided.

EMBASSY SECURITY

Mr. Chairman, AFSA continues to thank both the Congress and the Department of State for the impressive work they have been doing together in improving the security of our posts and missions abroad since the U.S. embassy bombings in East Africa in 1998.

When Secretary Powell testified before this Subcommittee on March 25, he discussed the vast improvements being made in terms of embassy security brought on by changes in management. He testified that at the beginning of this Administration, one new secure embassy was being built each year. Today, the Department is building 10 new secure embassy compounds a year. Moreover, the embassy's program costs have been reduced by 20 percent.

However, the threats to Americans and the historic number of mandatory evacuations of our posts and missions abroad last year both attest to the need to continue our efforts in this area. It must be remembered that despite significant upgrades to the security of our facilities around the world, the General Accounting Office reported in its March 20, 2003 testimony before the Senate Committee on Foreign Relations that:

" . . . even with these improvements, most office facilities do not meet security standards. As of December 2002, the primary office building at 232 posts lacked desired security because it did not meet one or more of State's five key current security standards Only 12 posts have a primary building that meets all 5 standards. As a result, thousands of U.S. government and foreign national employees may be vulnerable to terrorist attacks."

Mr. Chairman, the Foreign Service does not seek hilltop fortresses. Such would be counterproductive to our purpose for being in a country. We accept that dangers are part of our profession. But we also expect that our government, should provide for our safety as much as possible. AFSA urges that funding continue at its current, if not an accelerated pace, to complete the work of securing our posts and missions abroad.

In this regard, we are aware of the proposed Capital Security Cost Sharing (CSCS) program to help provide additional funding to increase the speed in which secure embassy compounds can be built. Given the situation in the world today, no one can argue against building secure facilities faster. However, we wish to express

our hope that the participating departments and agencies will be provided additional funding to meet the additional CSCS building costs. It is our concern that the mission that overseas staff were doing would be lost due to a strictly budget driven decision.

SOFT TARGETS

Mr. Chairman, for the past few years, AFSA expressed its concerns to this Subcommittee regarding the lack of attention the Department of State seemed to give to the protection of soft targets. We have always been appreciative of your and the Subcommittee's efforts to direct the Department's attention to that area. As you know, this was a particular concern to the Foreign Service because we believed that the term "soft targets" was nothing more than a euphemism for attacks against our spouses and children as we try and lead a somewhat normal life of going to school, to church, and on other family outings.

It was thus particularly gratifying when the Secretary said to this Subcommittee:

"Our budget request also, I might say, touches on physical security improvements to those soft targets in our missions: schools, recreational facilities. And you know that we have an extensive plan to go after this soft targeting possibility, providing physical security improvements to overseas schools attended by dependents of government employees and other citizens. Our 2005 request includes \$27 million for this effort, including \$10 million for the schools, \$5 million to improve security at employee association facilities, and \$12 million for residential security upgrades. Protection of Americans living and working overseas is one of our highest priorities."

PAY DISPARITIES BETWEEN SERVICE OVERSEAS AND SERVICE AT HOME

Finally Mr. Chairman, we wish to bring to your attention a concern that grows each year and seriously damages the morale of those in the Foreign Service. Because of prohibitions in the Federal Employees Pay Comparability Act, federal employees under Title V cannot receive locality pay when they go abroad. This means that currently when a member of the Foreign Service is posted abroad, that person will take a 13 percent cut in base pay. Further, because of the "rest of U.S. concept" in locality pay, there is no federal employee of the same grade serving in the United States who will receive less than 8 percent more than a member of the Foreign Service member posted abroad.

This difference has devalued the concept of differentials for serving in hardship and danger posts, it devalues the concept of equal pay for equal work, and it harms the individual because it affects the amount a person serving abroad can contribute to his or her retirement.

There are now several pay disparities afflicting a member of the Foreign Service serving abroad caused by locality pay. Two people of the same rank, one serving in Washington and the other serving abroad, will have a difference of more than 13 percent because of locality pay. Since the adjustments in pay procedures for the Senior Executive Service and the Senior Foreign Service, due to personnel changes in last year's Defense Authorization bill, a member of the Senior Foreign Service will receive 13 percent more than a colleague at the same post but who is not at the Senior level. Finally, it is our understanding those in this nation's intelligence services receive an overseas adjustment similar to locality pay.

Mr. Chairman, AFSA believes the current situation needs to be corrected, and we will seek that end. The laws will have to be changed, but when that happens, we urge this Subcommittee to provide the necessary funds to eliminate this pay disparity.

CONCLUSION

Again, Mr. Chairman and members of the Subcommittee, thank you for the opportunity to share the views of the American Foreign Service Association.

Ultimately, our security cannot be won on the battlefield alone. Rather, it will turn on our ability to make foreign governments, international organizations, and the people of the world understand the threats that confront all of us and then face those threats with us. In the long run, our best defense will be convincing others to work toward an international society that is tolerant and just, as well as vigilant against common threats. This is the work of diplomacy, and we trust that you and your subcommittee will want to assign our diplomatic efforts the same strategic priority and funding that is assigned to this nation's military efforts.